

Law Enforcement News

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Armor-piercing ammo bill seen getting Capitol OK

Support appears to be growing for a proposed law that would regulate the manufacture of armor-piercing ammunition. Even the National Rifle Association, which usually opposes controls on firearms and ammunition, has announced its support for the bill.

The legislation, known as the "Law Enforcement Protection Act of 1984," differs slightly from an earlier bill proposed by Rep. Mario Biaggi (D-N.Y.) and Sen. Daniel Patrick Moynihan (D-N.Y.). While the Biaggi-Moynihan bill defined the outlawed bullets by their ability to pierce soft body armor, the new bill defines the bullets by what they are made of: metals such as tungsten, beryllium and depleted uranium, which are not used in sporting ammunition. The new bill allows manufacturers to continue to export such bullets, but within this country they may be sold only to the military and the police. It also enhances the penalties for illegal use of the bullets to a mandatory five-year

imprisonment.

Craig Floyd, an aide to Rep. Biaggi, said the new bill, while not perfect, "is as good as we can get. It will benefit the police greatly, and will not affect the legitimate gun user at all," he said.

The measure, which has the strong support of President Reagan, was introduced to the House by Rep. Jack Brooks (D-Tex.) with 80 co-sponsors. Floyd said it is presently in the hands of the House Judiciary Subcommittee on Crime, and is expected to move out to the floor this summer. An identical bill has been introduced in the Senate by Sen. Strom Thurmond (R-S.C.), chairman of the Senate Judiciary Committee, and Floyd said he expects the bill to pass the Senate unchanged.

President Reagan, speaking before the National Sheriffs' Association last month, said he hoped Congress would provide swift passage for the legislation.

Warren Cassidy, executive director of the National Rifle Association's Institute for

Legislative Action, said the NRA had worked for months with the Justice and Treasury Departments and various police groups to devise legislation to regulate armor-piercing bullets without adversely affecting ammunition used by American gun owners and sportsmen.

"This legislation is a positive step for all concerned," he said. "Unlike earlier legislation, the bill's definitions have been carefully crafted by experts from the Treasury and Justice Departments to insure that they will not adversely affect law-abiding gun owners and hunters."

Cassidy said the legislation would also protect the nation's police. The bill has been endorsed by the International Association of Chiefs of Police, the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives and the Police Executive Research Forum.

Brown, 3 others seeking IACP's 6th VP position

Houston Police Chief Lee P. Brown has jumped into a crowded field of contenders for the position of sixth vice president of the International Association of Chiefs of Police, but judging from the enthusiastic response to his candidacy of many members of IACP, he may have jumped into the front-runner's position.

Brown will be competing in a tough field that includes Chiefs William Breierly of Newark, Del., a contender for the post last year; Kenneth Madejczyk of Grandville, Mich., who last year ran an insurgent campaign for first vice president, and Harlin McEwen of Cayuga Heights, N.Y., president of the New York State Association of Chiefs of Police. Still, Brown's backers are confident that he stands a good chance of winning the election.

Brown himself said that his candidacy has "generated a great deal of excitement." He decided

to run at the urging of many of his colleagues, including the Houston-area police chiefs, who passed a resolution encouraging him to become a candidate. He has already been endorsed by many state and national law enforcement organizations.

He promised an issue-oriented campaign. "My candidacy will reflect what my life is — professional policing," he said in a telephone interview. "It will reflect creditably on law enforcement."

As for what he hopes to accomplish if elected, Brown said he would like to strengthen and unify the IACP voice in law enforcement. "IACP has to be a strong voice for all aspects of law enforcement," he said. "I am seeking unity in law enforcement; IACP should be the vehicle for accomplishing that."

Specifically, Brown said he

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Sheriffs get hefty dose of crime philosophies

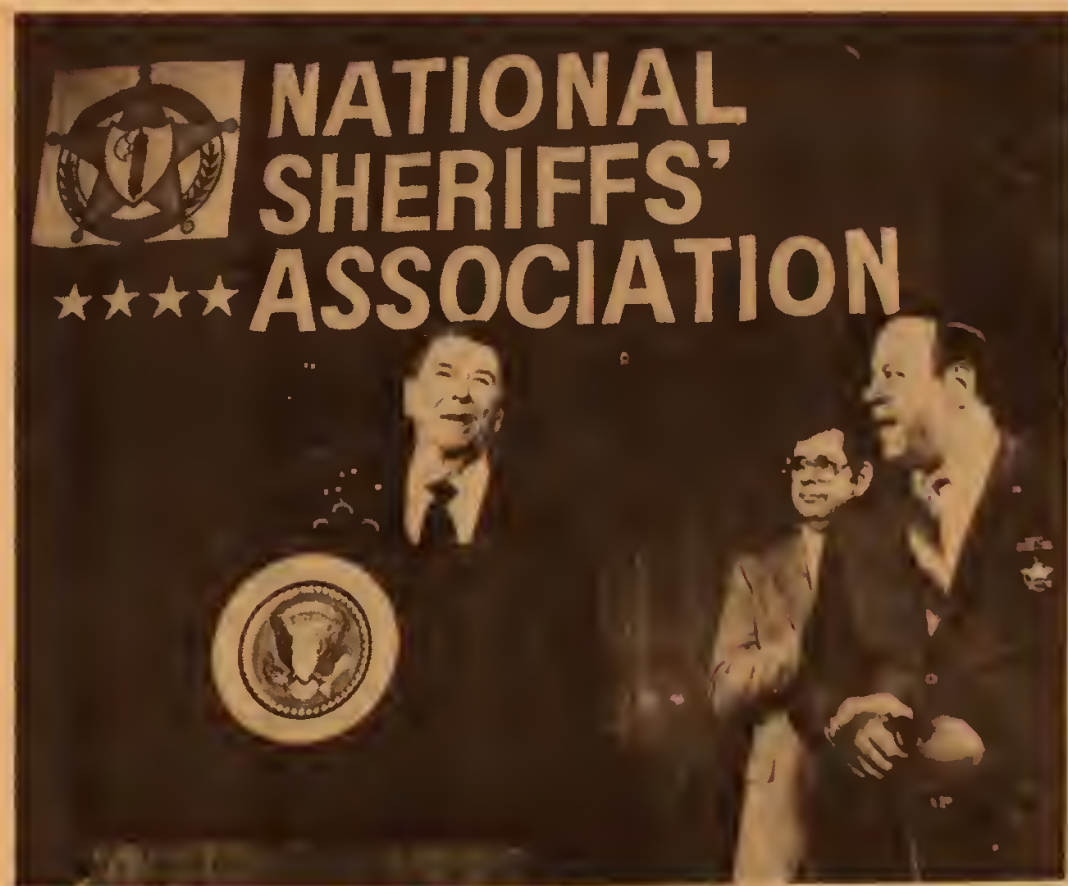
Reagan rips liberals; Dodd slams Reagan

By Jennifer Browdy

Sheriffs attending the National Sheriffs' Association's annual conference last month in Hartford, Conn., got a dose of both the liberal and conservative party lines on crime control when they were addressed by Sen. Christopher J. Dodd (D-Conn.) and President Reagan.

Dodd, who spoke at the opening ceremonies of the conference, criticized the Reagan Administration's law enforcement policies, while Reagan himself, whose visit provided the conference with a rousing finale, blamed the crime increases of the 1960's and 70's on the country's past "liberal leadership."

Only a fraction of the 2,000 sheriffs at the convention turned out to hear Sen. Dodd give his opinion as to what the Federal priorities for law enforcement should be in the coming years. Dodd received a round of applause when he told the sheriffs that the Reagan Administration's plan to cut the Customs Service budget by 40 percent



President holds center stage at the National Sheriffs' Association meeting in Hartford, joined there by the association's executive director, L. Cary Bittick, and its outgoing president, Sheriff Richard Elrod of Cook County, Ill.

Wide World Photo

was "ridiculous."

"We must control the drug traffic," he said. "The drugs are flowing like water, providing a fertile

soil for the nourishing of street crime."

Dodd also said the Feds should work harder at catching up with

career criminals. "Chronic offenders should go into Federal prisons," he said. "Overcrowding

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Jail concerns prove to be topical issue for sheriffs

Along with a clash of political philosophies on crime control, the conferees at the National Sheriffs' Association meeting got a look at a broad spectrum of views on a subject of ongoing concern to sheriffs: jail management.

The professional seminars and workshops at the NSA conference were more or less equally divided between police and jail functions, but it was three hot topics in the correctional area that drew some of the greatest attention and liveliest discussion.

The new movement to separate juveniles from adults in jails turned the conference's focus to Colorado sheriffs, who are in the forefront of that movement. The practice of separating detainees by age will become mandatory nationwide in December 1985.

The new law requires total "sight and sound separation" of juvenile adult inmates; total separation of programs within the facility; separate juvenile and adult staff persons, aside from

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Around the Nation



Northeast



CONNECTICUT — Two years after officials in the town of Cromwell began their efforts to get a 911 emergency telephone system installed for residents, the dream has moved to within two months of becoming reality. The details of the new system have been worked out by local police and fire officials, and only the installation of the system by the telephone company remains to be taken care of. A spokesman for Southern New England Telephone said the 911 system should be in place sometime in August.

DISTRICT OF COLUMBIA — The National Center for Missing and Exploited Children opened for business with a flourish last month, taking some 150 calls from parents, law enforcement agencies and advocates of missing children in the day after the center began operations.

MARYLAND — The Baltimore Police Department stands to lose 167 jobs through attrition under Mayor William Donald Schaefer's proposed \$1.3-billion budget. Two of the city's fire stations would be closed under the budget as well.

A tentative agreement on a new three-year contract has been reached by the Fraternal Order of Police in Prince George's County and the county's labor negotiators. As with a previous contract proposal, the new pact has an early-out provision designed to encourage more senior officers to retire and make way for new promotions. Officers with 17 or more years in the department who retire this year could collect full 20-year pension benefits and those with 20 or more years would receive a 5 percent bonus if they retire. The contract also gives the county's 860 officers a 4 percent cost-of-living raise next month, along with 6 percent hikes in the next two years.

A Baltimore man who lost a leg when he was struck by a drunken driver in Anne Arundel County is suing County Executive James Lighthizer, Police Chief William S. Lindsey and Officer Dennis Freeberger for \$5 million in a negligence action. The plaintiff, William F. Aahburn II, charged that Freeberger violated state law by failing to arrest the drunken driver during an encounter just before the accident that cost Aahburn his leg. County attorneys say that the three respondents are immune from the lawsuit because Freeberger exercised his duties "without malice."

NEW YORK — In an effort to halt the "epidemic abuse of illegal narcotics in New York," Gov. Mario Cuomo has set up a toll-free telephone hotline to field tips and

complaints about drug-related crimes. The 24-hour-a-day hotline went into operation July 1 and is being staffed by investigators from the state's Division of Criminal Justice Services. Callers, who can remain anonymous if they choose, can reach the hotline by dialing 1-800-GIVE TIP.

PENNSYLVANIA — Officials in Philadelphia are looking forward to implementation of a \$600,000 Federal grant that they believe will lead to tougher treatment of youths who repeatedly commit crimes. The two-year grant, announced by District Attorney Edward G. Rendell and Police Commissioner Gregory J. Sambor, will be used to establish a special four-member squad of prosecutors who will turn their efforts to the 200 cases each year involving habitual youthful offenders. The program will parallel a similar unit that monitors adult career criminals.

The state's judges are sending more criminals to prison and handing down longer sentences under the state's two-year-old sentencing guidelines, according to a professor at Pennsylvania State University. Dr. John H. Kramer, who serves as executive director of the Pennsylvania Commission on Sentencing, studied 20,000 sentences imposed by state judges last year to develop his findings.

Southeast



FLORIDA — Miami's highly successful Crime Stoppers Anonymous program recently came within one news article of becoming insolvent. After the Miami Herald reported in late May that the program was broke — in fact, it was \$400 overdrawn at the bank — checks and letters of support began rolling in from a variety of concerned individuals, companies and civic organizations. The amount taken in was "enough to get us out of the hole," according to the crime-tip program's chairman, Roger Fritze.

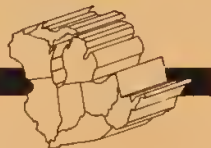
MISSISSIPPI — Coahoma County Sheriff Jesse Bonner wants to know where marijuana fields are located in his jurisdiction, and he's willing to pay for the information, no questions asked. Bonner has begun offering \$25 to those who identify a field with 25-49 pot plants, and \$50 to those identifying a field with 50 or more plants. Tipsters must appear in person, but are not required to identify themselves.

SOUTH CAROLINA — A committee of the Charleston School Board has approved a voluntary program of fingerprinting school children to help locate them if

they disappear. An earlier proposal to set up a mandatory fingerprinting program was rejected.

VIRGINIA — Sheriff Michael E. Norris of Alexandria, who is being scrutinized by city officials for alleged misuse of funds, has shelved a proposed merger of his office with Alexandria's public safety department. Norris said the merger "has been sabotaged" by "malicious personal attacks" on him. The one-year, experimental merger had been approved by the City Council in April as a cost-cutting move.

Midwest



ILLINOIS — The Village of Wheeling has spent about \$30,000 in legal fees to block the Combined Counties Police Association from using pension funds to underwrite low-cost mortgages — and now the village is asking other towns to chip in their own money to carry on the legal battle. The village claims that the tax-subsidized fund would cost taxpayers more than \$2 million during the life of the mortgage loans to retired and active Wheeling police officers.

Cook County Circuit Court officials and a group of suburban police chiefs are studying a proposal that would allow motorists arrested for minor moving violations to avoid a court appearance as well as a court record of their violations. The plan would permit payment of a \$10 fine for minor violations, such as speeding up to 15 miles per hour above the limit. All motorists ticketed for moving violations are currently required to appear before a judge.

Saying that public safety should take precedence over demands for a \$1,000 raise, officers in Centerville recovered from a three-day bout of "blue flu" on June 26. The walkout had been called to protest the City Council's lack of action on a proposal to raise police officers' base salary to \$13,800.

MICHIGAN — The chiefs almost outnumber the Indians in the Battle Creek suburb of Springfield. Gregory Hansmeier had been hired as chief of the town of 3,000, to take over for retiring Chief Errol Spells. But Spells' retirement was held up by a technicality, leaving the town with two chiefs and only three patrolmen. The outgoing chief's plans were delayed because the city manager submitted only one doctor's report that Spells was medically unfit for duty. State law requires verification by three doctors.

OHIO — The revenue from tickets written by Cincinnati

police officers has dropped by 13 percent from 1983 figures, but city officials maintain that the shortfall is not the result of a ticket-writing slowdown. The city's safety director, Michael A. Bierman, conceded that morale among officers is low, but he blamed the drop in ticket revenues on a shortage of officers caused by retirements and layoffs.

Bob Simmons has been appointed police chief of the Village of New Albany, amid growing concerns that the village police department may be over budget. Through May 31, the department had spent \$15,400 of the \$32,000 budgeted for wages for the entire year.

Lawrence W. Mack, a former police captain who has served for 20 years with the Cuyahoga Heights police, has been named as the town's new police chief. Mack, 46, replaces Reno Santini, who retired after heading the department for three years.

The police chief of Newburgh Heights, James Lukas, has been given a suspended 30-day jail sentence after he pleaded guilty to dereliction of duty. Lukas, who has been chief since 1976, had been charged with allowing gambling at a party where he was working off-duty as a security guard. He was suspended as chief following his indictment April 24.

Plains States



IOWA — The state's treasury is \$142,600 richer after receiving its first payment under a two-year-old law that allows the state to keep money seized in drug arrests. Previously, the money was returned to suspects if authorities could not prove it was used in drug transactions.

KANSAS — Increased use and availability of cocaine are being blamed for a significant increase in statewide arrests for cocaine possession. The volume of arrests nearly doubled in four years, from 91 in 1979 to 155 in 1983.

MISSOURI — Gov. Christopher Bond has signed a new law that allows children under age 10 to testify as competent witnesses in child-abuse cases. The new law also bans suspended sentences and probation for repeat offenders in abuse cases.

MONTANA — Residents of Billings accused of certain minor crimes can now pay fines by credit card. The "charge-it" option will apply to offenses that carry fines or bail of less than \$300, provided no court appearance is required.

WYOMING — Not everyone is happy with the Legislature's revi-

sion of the state motor vehicle code, which allows only law enforcement agencies to use blue flashing lights on official vehicles. Effective July 1, fire departments and ambulance services were required to strip the blue lights from their vehicles, but some lawmakers have pushed for a delay in enforcing the code, in order to allow time for reconsideration of the changes.

Southwest



OKLAHOMA — Police Chief Benny Dirck of Catoosa has been suspended after a grand jury indicted him on perjury and firearms charges.

TEXAS — At age 43, Houston police cadet Gus Patton last month became Officer Gus Patton. One of 64 cadets who completed the 18-week training course, Patton is the oldest recruit to finish the program. He was a state trooper with the Texas Department of Public Safety for 17 years before applying to the Houston Police Department.

In what was described as the area's largest seizure of counterfeit money ever, three men were arrested and \$2.3 million in bogus currency was confiscated by Secret Service agents in Houston last month.

Far West



CALIFORNIA — After two civilians died last year in crashes with speeding police cars in Redwood City, the city has instituted a new driver-training program for police officers. The program will include drills for hot pursuit and emergency chases.

Former California Highway Patrolman George Gwaltney has been sentenced to 90 years in prison for violating the civil rights of Robin Bishop, an aspiring actress he raped and murdered in 1982 along a deserted stretch of Interstate 15 near Barstow. The 43-year-old Gwaltney will be eligible for parole in 30 years.

HAWAII — A special police squad in Honolulu is on the lookout for an estimated 700 runaway teenagers from the mainland. If the teens are caught, their parents will be called collect to send money to fly them home. Runaways whose families cannot afford to pay the airfare will be held in juvenile detention.

Engineers among FBI's most-wanted

The Federal Bureau of Investigation now has a new target on its Most Wanted list: engineers. The FBI is trying to attract engineers to serve as special agents and non-agent technical specialists.

It may not be successful on the basis of salary alone. An agent's salary begins at \$28,860 and may go as high as \$50,000 — still substantially below what an engineer might expect to make in private industry.

But FBI special agent William A. Bayes, assistant director of the bureau's Technical Services Division, said many engineers may join for patriotic reasons.

"One important aspect is the challenge of making an immediate, near-term or long-term contribution to the country," he said.

He cited other reasons: The job includes a wide variety of professional work, a chance to develop diverse skills, an opportunity to offer significant input to research and development programs and the prestige that goes with being an FBI employee. Bayes said the quality of leadership in the agency is another attractive element.

According to Bayes, the FBI is one of the country's leaders in the field of high technology development. "We're state-of-the-art and beyond in technical support of our investigative efforts," he said.

His division is planning to open an engineering research and development center at Quantico, Va., that will be the most up-to-date facility of its kind in the

world.

Bayes said the major FBI thrust is in the electronics field, and it plans to use its own team of specialists to develop new technology. Electronic surveillance is of course a top priority, and voice privacy is becoming another important area as the number of VHF radios in the field increases.

A new private radio system has just gone into use in Los Angeles which is digitized and features scrambling mechanisms for the conversations. The equipment was designed by FBI engineers and technicians, in time for the 1984 Summer Olympics.

"We are a service organization and our clients are the agents in the field," Bayes said. "The Los Angeles system is an example of serving a broad-scale project. We also do one-of-a-kind, customized components and devices and our own countermeasures."

The FBI has about 20,000 employees and an annual budget of about \$1 billion. "This is more than a job," Bayes said of the engineering program. "There is a great challenge and a great opportunity to do well."

For the love of it

The U.S. Conference of Mayors last month honored seven cities for outstanding public-safety programs using volunteers. The honors went to: Cheyenne, Wyo.; Aurora, Colo.; Baltimore; Fresno, Calif.; Tampa, Fla.; Fresno, Calif.; Newton, Mass., and Bloomington, Minn.



Cow-pokin'

Cows from a nearby field provide backup as officers of the Quebec provincial police tactical squad search through a freight train last month for two escaped murderers believed to be in hiding in the area. The two escapees, brothers James and Linwood Briley, were reported to be in the area following the arrest of one of their fellow fugitives in Vermont. They were eventually captured in Philadelphia June 19, ending a 19-day break from death row at a Virginia prison. Wide World Photo

Crazy like a fox:

NYS shifts insanity burden

New York defendants seeking acquittal through use of the insanity defense will be required to prove that they were insane when they committed the crime, under a law approved by the State Assembly June 12.

Under the old law, the burden was on the prosecution to prove that the defendant was sane at the time of the crime. The new law, approved by a 131-to-12 vote, is expected to make it harder to use insanity as a defense in criminal trials.

New York becomes the 25th state to change its law on the burden of proof in insanity-plea proceedings. The trend was spurred by the acquittal of John W. Hinckley Jr., by reason of insanity, in connection with the attempted assassination of President Reagan, which raised substantial public outcry against the fairness of the insanity defense.

The amended law was proposed by state Attorney General Robert Abrahms, together with Gov. Mario Cuomo, and had the support of New York prosecutors.

"The [old] law puts the prosecutor in the nearly impossible position of proving beyond a

reasonable doubt that the defendant is sane whenever that defendant asserts the insanity defense," Abrahms said. "We have seen over the last number of years a tremendous increase in the number of acquittals as the result of more frequent use of the insanity defense."

But William E. Hellerstein, chief of the Criminal Appeals Bureau of the Legal Aid Society, disagreed, saying use of the insanity defense has not been that prevalent in the state.

"It's just a reaction to a handful of cases, particularly to the Hinckley case," Hellerstein said. "My own feeling and that of my colleagues is that, simply given the very few instances of insanity defenses, it really reflects on an issue that is to a large extent emotional and not having an impact on the day-to-day legal process. It's not going to make the public feel safer in their homes and on the streets."

Statistics from the state Office of Mental Health show that of 70,000 felony convictions in New York between September 1, 1980 and December 31, 1983, there were 340 acquittals by reason of

insanity. Of that number, only 46 people accused of a violent crime were found not guilty at trial. The other acquittals resulted from plea bargaining or did not involve violent crimes.

Stephan H. Peskin, treasurer of the New York State Trial Lawyers Association, said the legislation was predicated on a change in the constitutional approach of civil law.

"When you shift the burden and put the defendant in the position where he has to prove something, you change the basic constitutional concept of a criminal trial that a defendant need do nothing to prove his innocence," Peskin said. Constitutionally and traditionally, he said, "the defendant is presumed innocent and the burden of proof must be on the prosecutor."

The United States Supreme Court has on two occasions upheld similar laws that shifted the burden of an insanity defense from the prosecution to the defendant. In 1952 the Supreme Court upheld an Oregon law, and in 1976 the Court upheld such a statute in Delaware.

Robinson tabbed as Baltimore's top cop

Baltimore Police Commissioner Frank J. Battaglia has retired, and his replacement, who took over July 1, is Deputy Police Commissioner Bishop L. Robinson, a 32-year veteran of the force.

Robinson, a 57-year-old Baltimore native who began his police career as a patrolman with the city park police in 1951, is the city's first black police commissioner.

Battaglia, 71, became police commissioner in 1981. He has retired to a position with Mayor William D. Schaefer's office as a senior adviser on community and security affairs. City officials said the job will include community liaison work and an overview of the city government's internal security efforts.

At a press conference last month, Mayor Schaefer praised Robinson, calling him "bright, talented, skilled, educated, compassionate and dedicated."

Battaglia also commended Robinson, saying he was an "excellent choice" for the job.

Commissioner Robinson, who has been described by associates

as cool, pragmatic and reserved, said at the press conference: "We are one city, one people. I will serve the people of Baltimore with honor."

Robinson told reporters it was too early to discuss the possibility of personnel changes in the department, and he declined to comment on the recent success of a lawsuit brought by black police officers against the department's promotional practices.

He did, however, pledge to continue the department's current efforts to battle drug trafficking in the city, an effort that had been Commissioner Battaglia's top priority.

In an interview with the Baltimore Sun last month, Robinson denied that his race had anything to do with his appointment. "I'm very proud of my blackness," he said. "But that is not the reason for my appointment. My career, my education and my experience as a police officer are the reasons."

Robinson has a bachelor's degree in law enforcement and a master's degree in education.

People and Places

PERF cites Williams

The first annual Leadership Award of the Police Executive Research Forum was presented to Hubert Williams, police director of Newark, N.J., at a ceremony June 12 on Capitol Hill.

PERF president John Duffy, Sheriff of San Diego County, Calif., said the award will be presented each year to a police executive "who embodies the principles of the Forum — leadership, integrity and professionalism."

"Clearly Hubert Williams' many achievements during the past decade qualify him to be our first recipient," Duffy said at the ceremony.

Duffy cited Williams' successful efforts to reform the Newark Police Department following the 1967 civil disorders, and his agency's development of



Williams

innovative police practices in the areas of community patrol, domestic violence and fear reduction. In addition, Duffy said, Williams was a founding member of the Forum and the first president of the National Organization of Black Law Enforcement Executives.

Williams, an attorney, has been a police officer for 22 years and was appointed police director by Newark Mayor Kenneth Gibson in 1974. An adjunct professor at John Jay College and Rutgers University, he has made numerous public speaking and television appearances on such shows as "60 Minutes," "Meet the Press," and "ABC News-Nightline."

What They Are Saying

'I'm in the jail business to stay, and I'm convinced I can beat the costs and services of any private agency around.'

Sheriff Richard Rainey,
Contra Costa County, Calif.,
on the growing trend toward privately-run jails. (1:5)



Awaiting the news

Attorney Casimir Wilson (l.) sits with his clients, San Francisco police officers Anthony Marcal (c.) and Mark Lagarejos, shortly before the two rookies were fired by the San Francisco Police Commission on June 14. The two were dismissed for participating in a "conspiracy" to hire a prostitute who performed oral sex on a fellow rookie who was handcuffed and blindfolded at a police academy graduation party.

Fogel tabbed as watchdog

David Fogel, the controversial former director of the Illinois Law Enforcement Commission, has been named to head the Chicago Police Department's Office of Professional Standards.

Fogel, 58, was appointed to the \$57,000-a-year post by Chicago Police Superintendent Fred Rice last month. He will oversee a staff of 73 civilians responsible for investigating complaints of police brutality.

Fogel has a doctorate in criminology from the University of California at Berkeley. Before coming to Illinois in 1973, he was juvenile hall superintendent and institutions director for the probation department of Marin County in California and commissioner of the Minnesota Department of Corrections.

As director of the Illinois Law Enforcement Commission, a state agency that acts as a clearinghouse for federal law enforcement funds, Fogel was often at

odds with Chicago-area officials.

In December 1974, he withdrew about \$4.1 million in Federal anti-crime funds from Chicago because Mayor Richard J. Daley refused to comply with guidelines ordered by Fogel to bring about racial equality in the police department.

As head of the Office of Professional Standards, Fogel replaces Frank Nolan, who resigned in April to resume a private law practice. OPS was established in 1974 after the police department was criticized for the routine use of excessive force.

The old end-around

The Bridgeport Police Commission has found a way around a court order preventing the hiring of the commission's choice to replace beleaguered Police Superintendent Joseph A. Walsh. The man they had picked to fill Walsh's job, Thomas Thear, has been hired as a consultant to Mayor Leonard S. Paoletta, to suggest ways of reforming the police department.

Thear has been given a one-month contract and will be paid \$5,950. His job will entail mainly developing ways to implement the reforms he had suggested in a study of the police department released last year. Police Commission chairman Anthony Pellegrino said Thear will have no power to make changes in the department without the approval of the commission.

Thear's report was critical of

the police department, and particularly of longtime Superintendent Walsh. Within two weeks after the report was made public in December, the commission summarily retired Walsh and appointed Thear to take his place.

Both actions were overturned by a Superior Court judge, on the grounds that the commission was violating the city charter and Walsh's constitutional rights.

A judge is expected to decide next month on whether Walsh should be ousted.

ID mistaken, shots fired

It was clearly a case of mistaken identity — the kind of stuff that gun control arguments, lawsuits and TV scripts are made of. Lorenzo Gonzalez, an Army veteran and National Guard member, saw a group of men dressed in black surrounding his relatives' house. His instinctive reaction: get his gun and post himself at the window.

But the men were members of the Dallas, Tex., police tactical squad, and when they saw Gonzalez' gun, they opened fire.

Gonzalez was shot in the face and crouched with his sister-in-law and her son in a closet for half an hour. He called the police to report the incident and left the closet only after a police negotiator convinced him that the men in black were indeed officers.

The 10 tactical officers had gone to the house of Gonzalez' brother-in-law, Vincente Cuellar,

to serve attempted murder warrants on Cuellar and his brother Tomas in connection with a shooting.

"We thought they were comandos or trying to steal something," Gonzalez said. "They didn't look like police. All they shouted was 'Open the door.'"

Gonzalez has been charged with attempted capital murder for pointing a gun at the officers.

Deputy gets redecorated

The man who has been called the most decorated police officer in the United States received yet another citation at the annual conference of the National Sheriff's Association last month.

Assistant Chief Joseph A. Petronella of the Erie County, N.Y., Sheriff's Department, was given the first annual "Deputy of the Year" award for his exceptional valor, bravery and heroism in his work as an undercover narcotics agent. The award was presented jointly by the NSA and the National Newspaper Association.

Petronella began his career as an officer in the sheriff's narcotics division 15 years ago, and went undercover 11 years ago. He has made more than 1,200 drug buys in that time, and has been responsible for the arrest and conviction of more than 1,000 drug dealers.

He has been honored by the International Narcotics Officers Association for outstanding police work in the field of drug-en-

Danbury hails heroes

Several members of the Danbury, Conn., Police Department received awards for outstanding service at award ceremonies held last month.

Lieut. Dennis Cooney was awarded a bravery medal for talking down an armed man who had taken a hostage into an apartment. Bravery medals also went to Sgt. Joseph Fecarotta and Officer John Casey for face-to-face negotiations with a man who had taken a hostage and was armed with a shotgun. Officer Casey also received an honorable mention citation for saving two elderly people from an apartment filled with carbon monoxide.

Lieut. Robert Lovell received a meritorious service medal for disarming and arresting a subject who had just shot another citizen; and Lieut. William Spuehler received a meritorious service award for the arrest of a suspected bank robber.

Exceptional service citations went to: Officer Craig Martin for leading people out of a burning building, and officers Eric Fowler, Peter Zane, Raniero Ferrante, Daniel Mulvey and Michael Zenobia for evacuating a burning apartment building before the arrival of the Fire Department.

Officer Alhert Russo received two lifesaving awards for separate incidents in which he saved lives with the use of cardiopulmonary resuscitation.

Sidney is an acronym for Summons Issuing Device for New York, and it is being developed by a New Jersey company, Citisource, which has been awarded the \$22 million contract to supply all 700 of New York City's traffic agents.

The device weighs less than five pounds, and has a set of keys and a display screen similar to those in personal calculators. It is designed to be waterproof, shockproof and able to withstand "severe blows" without malfunctioning or losing its memory.

An agent who comes across an illegally parked car would enter the license number. The machine would then prompt the agent to enter the color, make, model, registration expiration date, location, time and violation.

Besides emitting a machine-printed waterproof ticket, Sidney would be at work finding out if the license plate and car description matched any in its lists of scofflaws and stolen vehicles. A message would flash on the screen if a match were made.

Details of each ticket issued would be stored in the device and entered automatically into the main computer system every day. The scofflaw and stolen vehicles list entered into Sidney's memory would also be current.

It currently takes several days for confirmation that a vehicle being ticketed has a scofflaw record. City officials believe the new device will be "a very powerful tool" against those who think they can ignore summonses with impunity.

Bar honors victim aides

At a ceremony on June 23, the Victim Services Agency of New York City was awarded the New York State Bar Association's Public Service Award for outstanding contribution to the betterment of the administration of justice.

The Victim Services Agency, a non-profit organization, attempts to reduce the trauma, cost and inconvenience associated with being a crime victim. It helps more than 100,000 people each year through court services such as providing reception centers at courts for victims and witnesses; restitution programs whereby payments are made by defendants, and a notification program informing civilians and police officers of upcoming court dates.

The agency also staffs a victim services 24-hour hotline; Project Safe, a home security program which makes emergency repairs in the homes of elderly victims; a Visitors' Assistance Center; an Aid to Families of Homicide Victims program, which includes counseling and assistance in obtaining financial aid, and Project Oasis, a network of safe homes for victims of domestic violence, rape and other abuse.

dictment on Federal corruption charges.

Roselli, 58, is a 33-year veteran of the department who has commanded the juvenile aid division since 1970. Orbell, 51, is a 27-year veteran who has been assigned to the internal affairs bureau since 1974. Rauch, 57, a 33-year veteran, has been in internal affairs since 1971.

The average starting salary for the new chiefs will be \$43,500 a year.

In a separate private ceremony May 31, Capt. James McFadden, 42, was promoted to inspector by Armstrong. McFadden, a 21-year veteran, was the commander of the Sixth Police District in Center City. His new salary will be \$38,051.

In an unusual departure from tradition, the news media were not invited to either event, although relatives and friends of the officers were allowed to attend. Generally, high-ranking promotion ceremonies occur in the mayor's reception room at City Hall and are heralded by news releases.

The four officers have been transferred to positions left vacant by resignations and retirements.

Sidney sniffs out scofflaws

With the help of an assistant named Sidney, New York City traffic enforcement agents are preparing to crack down on scofflaws who repeatedly violate parking regulations.

Within two years, traffic agents will be armed with a computerized device that can remember 10,000 license plates at a time and can provide the agent with a history of the vehicle's past transgressions.

protection of person and property," she said.

Smaka said that during the sessions, she will be able to identify those victims who need more individualized help in overcoming their trauma, and she will make referrals.

Speakers will include Aldo P. Cibrario, appointed by Police Chief William Hart to represent the Detroit Police Department, and a representative of the Women's Justice Center. Wayne County Assistant Prosecutor Charles Marr, who strongly supports the program, said members of his office are promoting Project VOCAL to crime victims they come in contact with.

New chiefs in Philly

In a hasty, unpublicized private ceremony on June 1, Philadelphia Police Commissioner Gregore J. Sambor promoted a city police inspector and two staff inspectors to the rank of chief inspector, the highest civil service rank in the Philadelphia Police Department.

Deputy Police Commissioner Robert F. Armstrong administered the oath of office to Inspector Thomas M. Roselli and Staff Inspectors Joseph W. Orbell and Edward J. Rauch. Sambor was out of town.

The three men were the last of 13 high-ranking commanders whose names appeared on a promotion eligibility list that expired June 2. Two other inspectors promoted earlier to chief inspector from the same list were Joseph DePeri and James Martin. In December, Martin was further elevated to deputy commissioner, but both he and DePeri have since resigned from the department under a cloud following their in-

forcement, has appeared on ABC's "Good Morning America," and last year was honored by the U.S. House of Representatives for his extraordinary work. When he was given the award at the NSA conference, he was personally commended by President Reagan.

Sheriff Kenneth J. Braun of the Erie County Sheriff's Department said Petronella is "in his mid-40s" and is not married — "fortunately for us," the sheriff said. "If he was married I'm sure his wife would leave him, the way he works." Petronella is obviously wedded to his work.

Getting vocal about crime

Following the national trend of paying more attention to the victims of crime, Wayne County, Mich., and the city of Detroit have set up a new program called Project VOCAL (Victims of Crime as Leaders) to help victims through the troubled aftermath of crime.

Sponsored by the Family Service of Detroit and Wayne County, the program provides emotional and practical support for victims of sexual assault, robbery, physical assault and non-violent crimes.

Mary Jane Michael, coordinator of the Family Service agency's Learning for Living Center, said the program was developed in response to growing community concern for victims.

Participants attend two-hour sessions once a week for six weeks. The fee is based on ability to pay. Nanette Smaka, Project VOCAL's group leader, said each session will be structured around a specific topic. "The topics will include courtroom procedures, insurance policies and defensive



The streets of Brooklyn

Frank Skinner, the former police chief of Brooklyn, Ill., dismisses the notion that he is a peace keeper, saying "I just help out when I can." Last month, Skinner, 50, was found not guilty on grounds of self-defense on charges he attempted to kill a rival.

Wide World Photo

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Court looks at affirmative action, CJ issues

Quota plans lose in Memphis case

In what has been seen as a blow to many affirmative action programs, the Supreme Court ruled on June 12 that a court may not order an employer to protect the jobs of recently hired black employees at the expense of whites who have more seniority.

The 6-to-3 decision overturned an order by two lower Federal courts that had shielded newly hired black firemen in Memphis against layoffs. It is expected to have an impact on other cities across the nation that are facing similar litigation, including New Orleans, Detroit and Cincinnati, all of which are involved in similar

suits — all brought by police officers.

Associate Justice Byron R. White, who wrote the majority opinion for the Court, said the courts were without legal authority to suspend a valid seniority system. The decision was based on Title VII of the Civil Rights Act of 1964, which, while outlawing employment discrimination on the basis of race or sex, explicitly protects "bona fide" seniority systems that were not themselves put in place for the purpose of discriminating.

The decision did not specifically address the validity of the Memphis consent decree, which set the goal of attaining a black proportion in the fire department equal to that in the Memphis labor force, about 35 percent.

The Reagan Administration entered the Memphis case on the side of the city, arguing that the lower courts improperly required "innocent firefighters" to "sacrifice not only their seniority, but also their jobs, to persons who have never claimed to be victims of unlawful discrimination."

With two dissenting votes, the Supreme Court ruled June 11 that illegally obtained evidence may be admitted at trial if the prosecution can prove that the evidence would "inevitably" have been discovered by lawful means in any event.

The Supreme Court joined all the Federal appeals courts in adopting what is known as "the inevitable discovery exception to the exclusionary rule."

"Exclusion of physical evidence that would inevitably have been discovered adds nothing to either the integrity or fairness of a criminal trial," Chief Justice Warren E. Burger wrote in the majority opinion.

The decision, which overturned a ruling by the U.S. Court of Appeals for the Eighth Circuit, brought to an end a 15-year-old Iowa murder case which had been before the Court once before, in 1977.

The case involved the murder of a 10-year-old girl by Robert Williams. The defendant led detectives to the victim's body after one of the detectives, in what became known as the "Christian burial speech," asked the suspect to "think about" the fact that "the parents of this little girl should be entitled to a Christian burial" for their child.

The Supreme Court subsequently ruled that the "Christian burial speech" had violated the



Two of the key figures leading up to the Supreme Court's ruling: Pamela Powers, the victim, and Robert Williams, the defendant.

suspect's constitutional right to counsel by inducing him to incriminate himself outside his lawyer's presence.

The 1977 decision left open the possibility that the evidence of the body's discovery could be used at the retrial if the state could show that the body would eventually have been discovered without the suspect's induced cooperation. Two hundred volunteers were combing the area and were nearing the body at the time Williams led detectives to the site.

Applying the inevitable discovery doctrine, the Iowa state courts convicted Williams

again in a second trial. But the Federal appeals court overturned the conviction last year on the grounds that before the state could invoke the inevitable discovery doctrine, it had to prove the police acted in good faith.

In the June 11 decision, Chief Justice Burger said the lower court's good faith requirement was "formalistic, pointless and punitive." The point of the inevitable discovery doctrine, he said, was to put the police "in the same, not a worse, position than they would have been in if no police error or misconduct had occurred."

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The 'public safety' factor:

Miranda rule's edges get blurred

The Supreme Court ruled last month, by the narrow margin of 5-to-4, that in certain cases police may question a subject in custody without first advising him of his right not to incriminate himself.

In the first exception to the 18-year-old Miranda warnings, Associate Justice William H. Rehnquist used a New York gun-possession case to announce what he called a "public safety exception" to the doctrine established in the case of *Miranda v. Arizona*.

The decision overturned a ruling by three New York State courts that police violated a rape suspect's rights by asking him, as soon as they cornered him in a Queens supermarket, where his gun was. No warning of his rights preceded the question. The New York courts refused to permit the prosecution to use either the man's answer — "The gun is over there" — or the gun itself as evidence.

Rehnquist said that while the New York courts had correctly applied the Miranda decision in the case, the case was one in which an exception to the Miran-

da ruling should be made.

"We do not believe that the doctrinal underpinnings of Miranda require that it be applied in all its rigor to a situation in which police officers ask questions reasonably prompted by a concern for public safety," he said in the decision.

In this case, Justice Rehnquist said, the police were justified in asking their question by the "immediate necessity" of locating a possibly loaded gun that was probably somewhere in the supermarket. The suspect had an empty gun holster when the police seized and frisked him.

Rehnquist's majority opinion was joined by Chief Justice Warren E. Burger and Associate Justices Byron R. White, Harry A. Blackmun and Lewis F. Powell Jr.

Associate Justice Sandra Day O'Connor said in a dissenting opinion that the Court's "public safety exception unnecessarily blurs the edges of the clear line heretofore established and makes Miranda's requirements more difficult to understand."

Rehnquist noted: "We

acknowledge that to some degree we lessen the desirable clarity" of the Miranda rule with the new decision. But, he said, "the need for answers to questions in a situation posing a threat to public safety outweighs the need for the prophylactic rule protecting the Fifth Amendment's privilege against self-incrimination."

Associate Justices Thurgood Marshall, William J. Brennan Jr. and John Paul Stevens submitted a separate dissenting opinion, maintaining that "the majority opinion condemns the American judiciary to a new era of *post hoc* inquiry into the propriety of custodial interrogations." In addition, he said, "in direct conflict with this Court's longstanding interpretation of the Fifth Amendment, the majority has endorsed the introduction of coerced self-incriminating statements in criminal prosecutions."

(For a more complete look at the facts and opinions in the "public safety exception" case, see *Supreme Court Briefs*, page 9.)

Philly K-9s off to kennel

Philadelphia Mayor W. Wilson Goode has ordered six police K-9 teams removed from duty in an effort to reduce the number of unwarranted K-9 attacks in the city.

The six K-9 teams accounted for at least 91 attacks on civilians since September 1981, about one in every four of the 358 attacks recorded for that period.

Goode's decision was based on a report received from the city's managing director, Leo A. Brooks. Brooks recommended that the six teams be removed from patrol duty pending an independent evaluation of their fitness for K-9 work, and also suggested a series of reforms and controls within the 125-person K-9 unit.

A police internal affairs unit had been investigating the K-9 attack cases, and had found that in 13 of 15 cases, unarmed men and women claimed they had been attacked by the dogs without provocation. The police inspectors appeared to clear the K-9 officers of any wrongdoing in their report to the police commissioner, but Brooks' report maintained that there may have been room for improved performance by the six K-9 officers removed from duty.

Most of the reforms proposed by Brooks have already been implemented by Philadelphia Police Commissioner Gregore J. Sambor. Among the new measures

are:

¶ K-9 officers must secure their dogs in police vehicles so that the dogs cannot leave the car without the assistance of their handlers. One of the dogs removed from duty by the mayor had misinterpreted innocent gestures as threats to his handler, and had mauled the individual in question. The case resulted in the city's paying \$15,000 in damages.

¶ When K-9 officers are on foot patrol, they are required to call for a "non-canina officer to enforce minor offenses unless immediate action is necessary." Such offenses include intoxication, smok-

ing on the transit system, and fare-jumping.

¶ Police dogs will be inspected at the Police Academy twice a year, and both handlers and dogs will receive three days of in-service training.

¶ A K-9 trainer has been specially assigned to the transit unit "to provide on-site training and evaluation of the 48 officers assigned to that unit." Two of the reassigned K-9 officers were in the transit unit, and their dogs accounted for a total of 50 attacks on civilians between September 1981 and June 1, 1984.



Philadelphia Police Commissioner Gregore J. Sambor, city managing director Leo A. Brooks and Mayor W. Wilson Goode at a recent K-9 school graduation, shortly before the roof began to fall in for the dogs.

Is lethal injection safe? High court wants to know

The Supreme Court, continuing its flurry of end-of-term rulings on criminal justice issues, has agreed to rule on whether the Food and Drug Administration should investigate the safety and effectiveness of the lethal drugs used to execute condemned prisoners.

The U.S. Circuit Court of Appeals for the District of Columbia ordered the FDA study last October to assure that the drugs do not cause unreasonable pain and suffering.

Judge Skelly Wright of the appellate court wrote that "even a slight error... can leave a prisoner conscious but paralyzed while dying, a sentient witness of his or

her own slow, lingering asphyxiation."

The Government appealed to the Supreme Court, arguing that the FDA should not get involved with death penalty laws, but should pursue its "intended mission of protecting the public from dangerous and misbranded drugs."

About 200 prisoners face execution by lethal injection in 11 states: Arkansas, Idaho, Illinois, Montana, New Jersey, New Mexico, North Carolina, Oklahoma, Texas, Utah and Washington. The drugs used induce a coma and then halt breathing.

The court will schedule arguments on the case next term.

NY State Police expand honor roll

Six New York State troopers who risked their lives in daring rescues atop a bridge and at two raging fires shared the New York State Police's highest award for bravery at a ceremony May 18.

The six Brummer Award recipients are: Capt. Robert B. Leffler and Sgt. Joseph H. Olander of Loudonville Headquarters Troop G; Troopers Stanley R. Glover and Alexander Pineiro of Somers station, Troop K, and Troopers Kevin A. Quinn and Michael L. Quartaro of Valley Stream station, Troop L.

They will share approximately \$4,000, representing income from a trust fund established in 1968

by the late Bertram F. Brummer, a financier, to give tangible recognition for outstanding acts of bravery by state police.

The first civilian employee of the state police to be honored on Awards Day was John J. Broderick, a communications specialist whose initiative and skill were cited as a major factor in the capture of a fugitive felon.

Another first at the ceremony was a unit citation, presented to the New York Drug Enforcement Task Force for solving two major drug cases. The task force, composed of Federal, state and city investigators, seized 1,600 pounds of cocaine, valued at \$160 million.

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Jail issues stir NSA meeting

Continued from Page 1

cooks, bookkeepers and the like, and requires the licensing of every juvenile facility.

One of the problems faced by rural sheriffs is that maintaining sight and sound separation is often impossible at the local jail unless major renovations are undertaken. Sheriff James Black of Laramie County, Colo., told a group of sheriffs at an NSA seminar on the subject that in his state, county law enforcement officials may travel up to 400 miles to take a juvenile to a juvenile detention center.

"From the southwest or northwest part of the state, it's ten hours one-way to Denver," Black said, "and it gets worse in the winter. With a small department, you can imagine how that messes up our shift rotation schedules and our sleep."

Because of this logistical problem, Colorado courts have appointed screeners to develop alternatives to custody. "We will only hold a juvenile if he is a danger to himself and the community," Black said.

The new method, instituted last year, seems to have worked. In 1982, the state held a total of 71 juveniles, 399 of them for more than six hours. In 1983, only 4 juveniles were held, 212 for more than six hours.

Black said his county has set up a Safe House program, where families are given a monthly stipend in return for reserving one or more rooms in their homes for juveniles in crisis who cannot function in their own homes. A counseling program for troubled youths and their parents has also been established.

Judith Johnson, executive director of the National Coalition for Jail Reform, praised the efforts of the Colorado criminal

justice system, saying that although the problems produced by mixing juvenile inmates with adults "are not due to sheriffs, the sheriffs can be part of the solution."

Johnson suggested that sheriffs and other law enforcement agents try to use alternatives to custody of juveniles, such as summonses instead of arrests, establishment of temporary homes, or development of a home detention program.

"You can't make an adult jail work for juveniles," she said. "Dual this and that just won't work."

The NSA adopted a resolution at its general meeting supporting the philosophy of separating juveniles from adults in jail facilities, and supporting "efforts to find funding for conversion of adult jails to meet the standards for juveniles."

Strip searches may be repugnant, but they are necessary to maintain jail security, sheriffs at the NSA conference observed. At a meeting to discuss recent court decisions that had ruled against law enforcement officials in strip-search cases, the sheriffs complained of the judges' lack of understanding of what maintaining jail security is all about.

"The courts and judges don't like strip searches," said Sheriff James Gondles of Arlington County, Va., who was involved in a strip-search complaint himself. "The victorious plaintiffs were in jail for misdemeanors. I think we should forgo strip searches for misdemeanor cases."

Gondles told an audience of some 30 sheriffs that if they wanted to continue a blanket policy of strip-searching, they should make sure they had a written policy statement with a "writ-

ten statement from an attorney saying the policy is legal.

"The policy should be consistently applied to everyone in the jail," he said. "The search should be conducted immediately, before contact with the rest of the prison population, it should be conducted in privacy by an officer of the same sex as the defendant, and you should maintain a file that shows each instance where the search produced contraband."

Alex Whittaker, an attorney with the Washington, D.C., firm of Hansen, O'Brien, Birney and Butler, said the sheriffs are faced with "a lack of appreciation and understanding on the part of the bench. . . . The judges find the nature of the work repugnant, and they're tying your hands," he said. "What we're getting is a third class of arrestees, who, assuming a lawful arrest, cannot be strip-searched if they've been picked up on a minor arrest."

Gondles said that since he was successfully sued by a woman who claimed he violated her Fourth Amendment rights in strip-searching her, he has instituted a new policy in his jail. An individual admitted to the jail is given a pat-down by a guard of the same sex, and then is gone over with a hand-held metal detector. If the metal detector shows contraband, the prisoner is asked to voluntarily give it up. Only if he or she refuses will a strip-search be authorized, Gondles said.

"Since 1982, when I began this policy, I've only had five strip-searches," he said. It has since become state law in Virginia that persons admitted to jail for misdemeanors may not be strip-searched without probable cause.

"Like abortion and civil rights, strip searches are a very con-



What to do about youthful detainees is a pressing concern for the nation's sheriffs. Here, an inmate stares out the window of his cell at the Illinois Youth Center in Joliet.

Wide World Photo

troversial issue," Gondles said. "I believe that a blanket strip-search policy will not pass muster in any Federal court in the United States."

The recent decision of the Immigration and Naturalization Service to contract with a private company for operation of some of its detention facilities for illegal aliens has touched off a lively debate on the feasibility of applying such a practice to public jails. The issue was discussed at an NSA seminar and was sharply

criticized by many of the sheriffs present.

"I am unalterably opposed to private contracting for the operation of local jails," said Sheriff Fred Pearse of Multnomah County, Ore. "If the Federal, state and local governments have any reason for being, it's to run prisons."

The sheriffs said they had no argument with the practice of contracting for certain services within the jail, such as food and health services — but the

Continued on Page 17

Reagan, Dodd trade crime-control views

Continued from Page 1

is no excuse for returning thugs to the streets."

The Senator also advocated handgun control. "I'm disappointed with the National Rifle Association," he said. "Those of us who support gun-control legislation are not anti-gun, not anti-sportsman, and the NRA should understand that."

Dodd ended his remarks with further criticism of President Reagan's law enforcement stance. "I believe President Reagan is sincere in his efforts to fight crime," he conceded. "But to suggest cuts in law enforcement assistance, housing, job training and other programs just doesn't make sense."

Following Dodd's speech, NSA President Richard J. Elrod, sheriff of Cook County, Ill., earnestly requested that those planning to attend President Reagan's address "dress appropriately. Remember, you are

representing law enforcement in America," he said. And, he added, "no weapons, please."

The grand ballroom of the Parkview Hilton hotel was jammed with sheriffs, their wives and children on June 20 when President Reagan flew into town. The streets around the Hilton were cordoned off, and rank after rank of Hartford police officers joined the Secret Service in containing the 100-odd protesters who chanted and waved signs in the park opposite the hotel. At the entrance to the ballroom, two airport-style metal detectors had been set up, and all bags were checked for concealed weapons.

When the President arrived, flanked by Secret Service guards, the assembly of sheriffs rose and applauded warmly. Reagan, looking typically youthful and relaxed, opened his remarks to a few chuckles as he told the sheriffs that he knew what their jobs were like, since he had once played a

sheriff in a television drama. The chuckling broke into hearty laughs when he continued: "The sheriff I played thought he could do the job without a gun. It was a 30-minute show and I was dead in the first 27 minutes."

It was soon apparent that Reagan was using the occasion to make his first election-year appeal to the law enforcement community. He blamed the rise in crime during the 1960's and 1970's on the prevailing "lenient social philosophy," and said, "We are still paying the price of that liberal time."

"But the law enforcement community and courts are now carrying out a new mandate from the people," he continued. "We are rejecting the leniency toward criminals and the liberal philosophy that fostered it. The years of pseudo-intellectual apologies for crime are over," he said to loud applause, which burst out again when he continued,

"Retribution must be swift and sure for those who prey on the innocent. We can and must take legitimate satisfaction that criminals are being brought to justice."

Reagan went on to cite his Administration's successes and efforts in the war against crime, citing such initiatives as strengthening coordination between Federal, state and local law enforcement agencies, introducing legislation to ban the importation and manufacture of the armor-piercing bullets, launching a "full-scale offensive against illegal drug trafficking," and establishing Federal programs such as the Task Force on Violent Crime, the Task Force on Family Violence, and the National Center for Analysis of Violent Crime.

He concluded by attacking the House of Representatives for refusing to debate the comprehensive crime package he had introduced to Congress earlier

this year. The package included measures that would reduce the latitude of judges in granting bail and sentencing, would make it harder for defendants to plead not guilty by reason of insanity and would permit an exception to the exclusionary rule.

That legislative package is currently under consideration by the House Judiciary Committee.

"Our most important initiative remains becalmed in the House of Representatives," the President told the sheriffs. "All the programs are badly needed and constitutionally sound, yet the liberal leadership is keeping it bottled up in committee. Forgive me, but those holding it up are out of touch with reality and out of touch with the American people," he said to more applause. "I ask you to use your influence to get this legislation out on the floor. At the very least the House owes the people a floor debate and a vote on this crime package."

Private relief for the public's prison problem

The opening this spring of a detention center for aliens, which was built and is being managed by a private company may be a harbinger of the day when many jails and prisons will be operated by the private sector. The U.S.



Burden's Beat

Ordway P. Burden

Bureau of Prisons has nibbled at the idea, and several states have held exploratory talks with private companies. While it's too early to call it a trend, it is clear that some correctional officials are favorably inclined to the idea of turning over management of minimum-security facilities, at least, to the private sector.

Thus far, only the U.S. Immigration and Naturalization Service has dipped its toe deep in-

to the waters, and of course its facilities are short-term detention centers, not long-term correctional institutions. INS's major move has been to contract with the Corrections Corp. of America (CCA), a Nashville, Tenn., firm, for the construction and operation of a 300-bed detention center in Houston. CCA chose the site, designed, financed and built the center, and will get \$2.2 million from INS for the first year's operation. INS also has contracts with private companies for the operation of smaller facilities in Denver, El Paso, San Diego and Los Angeles, and expects to open another soon in Laredo, Tex.

There are several advantages in turning detention facilities over to the private sector. For one thing, a private company can build a facility faster and operate it at lower cost, according to INS spokesman Duke Austin.

"The private sector has a great deal more flexibility than we do when we establish a center

through the Government's budgetary process and staff it through Government policies," he noted. And when the Government does open a Federally-built and staffed center, Austin added, it's difficult to close it or to keep it open only on an as-needed basis.

"Another point is that there seems to be evidence that private companies can run a facility at less cost than we can because they don't have the amount of overhead that we have in a Government facility," Austin said. The Houston detention center costs the INS about \$23 per inmate per day, as compared to \$35 to \$50 in Federally-operated facilities elsewhere. Austin said the INS keeps a tight rein on privately-run operations. In Houston there is an INS staff presence at all times, and the smaller facilities are closely monitored as well.

The Bureau of Prisons considered contracting the operation of a proposed minimum-security

prison at a former military installation in Mineral Wells, Tex., but gave up on the idea when there was a community outcry. The plan failed because of the community's opposition to a prison, not because the Bureau of Prisons soured on the concept of private contracting. "I think the idea is on the back burner now," said Kathy Morse, a bureau public information officer. "I'm sure we'll still be looking at it, but we don't have any plans in the near future. It's going to take a little re-evaluation, but it seems like an attractive idea to relieve overcrowding."

Several states are also looking toward the private sector. "Some have shown considerable interest in it," said Tom Ingram, a spokesman for CCA, a year-old company that is a leader in the embryonic industry. "We probably have 35 to 40 conversations going on with states right now," he said. "Some are talking about full services — building and run-

ning a prison — and others are approaching us only about managing prisons for them." Most of the interest, he said, is in the area of minimum- and medium-security prisons, "but we would talk about running maximum-security prisons, too, if someone is interested."

In addition to its contract with the INS for the Houston detention center, the Corrections Corp. of America has contracted with the city-county government of Shelby County (Memphis), Tenn., to manage an existing center for juvenile offenders. Ingram said the company also expects to sign a contract with Rutherford County, Tenn., to operate its county jail. In that case, he said, the company probably will design, build and manage the facility, as it does for the INS in Houston.

The trend — if it becomes a trend — toward operation of lockups by the private sector probably won't be affected by the

Continued on Page 17

A breathtaking decision on DWI evidence

With increasing frequency in recent terms, the Supreme Court has taken to issuing one-sentence pronouncements dismissing a writ of certiorari in a particular case as having been improvidently granted. Usually no further explanation is given for the Court's

conference. At least four of the Justices voted to grant plenary review.

Following briefing and oral argument in the case, each Justice had an opportunity to review more closely the decision of the New York Court of Appeals. And, upon closer review, in the spring of this year, five of the Justices were left unclear as to precisely what Federal constitutional issue had been decided. As a result, it was determined that this particular case was "an inappropriate vehicle for resolving the important constitutional issues raised by the parties."

In a two-sentence dissent, Justice White, along with Chief Justice Burger and Justices Rehnquist and O'Connor, stated that the New York statute had in fact been invalidated on Federal constitutional grounds, thus giving the Court a proper basis for ruling on the merits of the case.

In effect, the Court's action leaves undisturbed the New York court's ruling that the statute in question is in fact unconstitutional.

In other recent action, the Supreme Court looked at another decision of the New York Court of Appeals and last month overturned that court in announcing a "public safety" exception to the Miranda decision. The Court also announced an important decision in the area of evidence, which established a nationwide rule involving the breath test used to check drivers suspected of driving while intoxicated. These two decisions are analyzed below.

Preservation of evidence

In a unanimous decision delivered by Justice Marshall, the Supreme Court ruled that the Due Process Clause of the 14th Amendment does not require that law enforcement agencies preserve breath samples taken to test for blood-alcohol concentra-

tion in order to introduce breath-analysis test results at trial.

The case arose out of unrelated incidents in 1980 and 1981, in which each of the four respondents was stopped on suspicion of drunken driving on California highways. During that period, the state of California

used the Omicron Intoxilyzer to test deep lung air samples and measure the concentration of alcohol in the blood. The Court noted that each of the respondents had submitted to the test after being told in detail the procedure for the Intoxilyzer test.

The tests indicated that each of

the four respondents had a blood-alcohol concentration higher than .10 percent, which under California law is presumptive of intoxication. Each of the respondents was charged with driving while intoxicated.

Shortly thereafter, each respon-

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Supreme Court Briefs

Avery Eli Okin

decision not to pursue a case through the entire plenary process.

On May 30, in a rare action, the Court handed down an unsigned opinion dismissing a writ of certiorari as improvidently granted, but only after full briefing and oral argument before the Justices. And, what made the move all the more unusual was the fact that four members of the Court, including the Chief Justice, dissented from the decision to dismiss the writ.

The decision came in the case of *New York v. Uplinger*, No. 82-1724, in which the Supreme Court had originally agreed to rule on the constitutionality of New York State Penal Law §240.35-3. The statute in question prohibits loitering "in a public place for the purpose of engaging, or soliciting another person to engage, in deviate sexual intercourse or other sexual behavior of a deviate nature." The Supreme Court had received a petition to hear the case from the State of New York in 1982, following a ruling by New York's highest court that the statute could not be the basis of a criminal conviction.

The case, along with the 100 or so others that pour into the Court's hands each week, was voted on at the Justices' weekly

Flashback



1962: Thanks, Gramps

Sacramento, Calif., police officer Dennis Oliver is welcomed to the force by his grandfather, Sacramento police officer Stanton Richards. They were the only grandfather-grandson combination on the force. The service stars on Richards' sleeve represent 39 years of policing.

Wide World Photo

Toensing:

Legislative tools of the anti-terrorist trade

By Victoria Toensing

The President's anti-terrorism legislation package will close several loopholes in existing law and give us new and needed tools to combat international terrorism.

During the past decade terrorist acts have become an ever increasing threat. Especially alarming is the degree to which some bandit states or organizations have engaged in heinous terrorist actions aimed at innocent victims. State-

supported terrorism has become a low-cost method of wreaking havoc upon one's opponents. The threat of terrorism is ever present, and one must insure that our legal arsenal is sufficiently capable of responding to the problem. Our efforts must be strong, but they must also preserve the constitutional values and liberties which are so dear to our society. The President's package comports fully with these goals.

S.2623, the "Aircraft Sabotage Act,"

is one piece of legislation long overdue. The primary purpose of the bill is to implement fully the international obligations we assumed when we ratified the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention") on November 1, 1972. A major obligation of the Convention is the requirement that parties to the Convention assume criminal jurisdiction over persons who, having destroyed a civil aircraft, are found within their territory. Jurisdiction would apply even when the act was committed elsewhere and not against that country's aircraft. Current United States law does not permit such a prosecution.

The time is now ripe for Congressional action on this non-controversial measure. In addition to plugging the gaps in existing laws relating to our treaty responsibilities, the bill also makes several minor, but desirable, changes in the statutes relating to aircraft piracy and the destruction of aircraft offenses.

The need for passing this legislation goes beyond filling these gaps in our present law. Its passage will send an international message of the United States' commitment to combat terrorism. Our failure to implement the Montreal Convention has been an impediment to our diplomatic efforts to encourage further concerted international action against terrorism.

S.2624 is directed against hostage-taking whether or not perpetrated by terrorists. The international community strongly condemned hostage-taking on December 17, 1979, when the International Convention Against the Taking of Hostages was adopted by the United Nations. The United States has signed the treaty, however, before the United States can file its formal adherence to the treaty, implementing legislation must be enacted. S.2624 is the necessary legislation.

S.2624 amends the current Federal kidnapping statute to provide broad jurisdiction over the hostage-taking offense. It is predicated on recognized extraterritorial principles of international law to provide for punishment of any United States national who takes

hostages anywhere in the world, as well as of any perpetrator who takes a United States national hostage anywhere in the world.

Where the hostage-taking occurs within the United States, the bill, while providing for Federal jurisdiction where appropriate, specifically states that state and local jurisdiction is not pre-empted. Although the bill is not limited to hostage-taking by terrorists, we do not intend to assume jurisdiction where there is no compelling Federal interest.

S.2625 provides for payment of rewards in coping with terrorism. The clandestine nature of terrorist activity makes it difficult to prevent or suppress. It is essential that law enforcement obtain intelligence information concerning terrorist operations. The rewards and other features of this bill will encourage law-abiding persons (especially overseas) to overcome their reluctance and fear, and reveal what they know to the authorities.

The size of the potential rewards creates a new risk to terrorist groups. While, as a matter of policy this Department does not favor publicly announced rewards, the threat of terrorism warrants the use of any legal tool to combat it. Unlike some reward measures, S.2625 is not limited to information leading only to the conviction or arrest of the perpetrator. It covers all valuable information that can lead to the prevention, frustration, or favorable resolution of the terrorist's activities.

This statute, even if seldom utilized, may be just the means to the prevention of deadly attacks upon American nationals or to their successful rescue if they have been kidnapped.

These bills are needed by the nation. They are designed to meet contingencies that we have already confronted.

Victoria Taensing is a deputy assistant attorney general in the Criminal Division of the U.S. Department of Justice. The foregoing article is excerpted from testimony before the Senate Judiciary subcommittee on security and terrorism, on June 5, 1984.

Other Voices

A survey of editorial views on criminal justice from the nation's newspapers.

Mr. Reagan's message in Hartford

"Every President in recent memory has pledged to fight crime, taken credit for whatever progress has been made toward a safer America and blamed Congress or the courts for being too lenient with criminals. President Reagan is no exception. He told the nation's sheriffs, meeting in Hartford, that his Administration's 'commitment to the war on crime has definitely helped to bring down the crime rate.' The fact that fewer members of the population are now in the crime-age group isn't really what has brought about the downward trend in crime, he said. It's his commitment to the war on crime that has made the big difference, he asserted. Indeed, Mr. Reagan indicated that the record could be much better if the House passed the omnibus crime bill. 'Those who are holding this (bill) up are out of touch with reality,' declared the President. 'This is a perfect example of how Americans are forced to suffer ill effects of crime because too many of our political leaders stick to old, discredited, liberal illusions about crime.' One can argue whether commitment to due process is based on a conservative or liberal philosophy. One can also understand the importance of law and order speechmaking in an election year. Put in their proper context, the President's assertions in Hartford do not sound convincing."

— The Hartford Courant
June 21, 1984

How to police the police

"After years of controversy, the heyday of defendants' rights in criminal cases seems to be ending. The most recent indication of this are two U.S. Supreme Court decisions involving statements obtained from suspects who had not been advised of their rights. These are not landmark decisions. They are not a reversal of the basic law. But they do suggest that the Court is placing less importance on deterring police misconduct through excluding evidence at trial than it once did. If the courts continue to erode the [exclusionary] rule, they will take upon themselves, along with the elective branches of government, the burden of coming up with an alternative way of controlling police conduct. And in the process, they may find that the alternatives are as risky as the existing standards. Simplifying the underlying standards of police conduct would help, whether the exclusionary rule or some alternative to it is applied. So would extensive training programs. But any effective device to deter violation of rights by police will inevitably have the effect of limiting the investigation and prosecution of crime by others. That is the essential bargain that must be struck in a system that values both personal security and individual liberty."

— The Chicago Tribune
June 16, 1984

Civil rights in a collision

"The Supreme Court caused various degrees of consternation last week by upholding the seniority rules of the City of Memphis, Tenn., fire department as a guide to the laying off of firemen in a fiscal emergency. Denouncers of the Court's decision tend to feel that affirmative action to advance minority employment has been struck a blow. We don't see this as any grave defeat for minority rights or for fairness in employment. The clash here is between strict protection of employees' rights to hang on to their job by reason of their seniority, as opposed to protecting minority employees from being humped off the payroll by the strict operation of the seniority rule after they had been taken on under affirmative action. Justice White said the lower courts were without legal authority to suspend a valid seniority system. Title VII of the Civil Rights Act of 1964, while outlawing employment discrimination on the basis of race or sex, he found, explicitly protects 'bona fide' seniority systems 'and it is inappropriate to deny an innocent employee' the benefits of his seniority. We can't find anything unreasonable in that; if the civil rights law says a seniority system has the right of way in a collision with affirmative action policies, where's the beef? 'Last hired, first fired' is what seniority means when layoffs come."

— The San Francisco Chronicle
June 18, 1984

SHERIFFS' CONVENTION



"We only got a few orders, but it was a big hit with Connecticut sheriffs."

Reprinted from the Hartford Courant

When we attended the 1984 National Sheriffs' Association's annual conference in Hartford, Conn., last month, naturally we went with the intention of interviewing at least one sheriff. With about 2,000 sheriffs and deputies in attendance, there was no shortage of potential interviewees. The difficulty lay in knowing whom to choose.

Sheriff Thomas H. Morrissey of Buncombe County, N.C., quickly stood out. A tall, hearty man with a ready smile and strong handshake, Sheriff Morrissey seemed to appear at almost every workshop and panel discussion at the conference, always the center of a knot of debaters considering some issue. Obviously well-liked and respected by his colleagues, Morrissey was a natural choice.

Morrissey originally hails from Massachusetts, and spent the first 20 years of his career serving in the Army as a special agent with the counter-intelligence corps. He and his wife came to Buncombe County in 1970, looking for a place to settle and raise a family, and "to this day," Sheriff Morrissey says, "we have not been disappointed." Buncombe County consists of 625 square miles in the western part of North Carolina, with no in-

terstate borders. The largest city is Asheville, which is home to about 100,000 of the county's 160,000 citizens.

Morrissey runs a 128-officer department, operating a jail with a capacity of 213 inmates, and handling the law enforcement, court administration and civil process responsibilities that go with the sheriff's badge. He prides himself on running an innovative and progressive department, and places special emphasis on crime prevention, victim assistance programs and maintaining high professional standards for his officers.

Morrissey has been at the forefront of his state in setting high job standards for his deputies. When he came to Buncombe County, there were no employment standards for deputies anywhere in the state — "If a good ol' boy wanted a job," Morrissey says, "you gave the good ol' boy a job." Not any more. Morrissey's deputies get a two-week training course before they are sworn in, and for the first two years of their employment undergo a state-approved apprenticeship program. Morrissey says this program not only contributes to the deputies' effectiveness as law enforcement officers, but also gives them "a seriousness of purpose. They know they're not

just being hired because they're a good ol' boy," he says.

He also feels that reducing citizens' fear of crime should be a law enforcement priority at all levels of government. "We're spending more time concerning ourselves with the welfare of the criminals than we are of the citizens as a whole," he says. "Sure, we cannot put an officer on every corner. But there are ways we can reduce the fear of crime in people." And, he says, if you reduce the fear of crime, "you won't have people moving out of certain areas, which makes crime flourish."

The sheriff is critical of those among the country's leaders who spend much time talking about the issues without following through. "We spend a lot of time talking about improving law enforcement," he says, "but we don't do anything about it." Action takes funding, and Morrissey says he would like to see more money being handed down to state and local governments for jail renovation, drug enforcement and crime prevention. "We should reinstitute programs on the national level concerning the people of the United States," he says. "We spend billions in foreign countries, but we just talk about things in the United States."

'It would be much more fun to go out and play cops and robbers, but you have to have a managerial operation.'

Thomas H. Morrissey

Sheriff of Buncombe County, N.C.



Law Enforcement News interview
by Jennifer Browdy

LEN: It seems that many sheriffs spend most of their time shuffling papers. Is that true in your case?

MORRISSEY: In the sense that I'm managing my department, yes. I am a manager, and a result I do shuffle papers. Most sheriffs in large communities are managers; they manage the whole operation. Even here in Connecticut, where the sheriffs have the responsibility for civil processes and transporting prisoners, they are managers. When you deal in budgets of \$1 million or more — mine is about \$3 million — you have to be a manager. It would be much more fun to go out and play cops and robbers, as some of the sheriffs in the small areas do, or transport prisoners, but you have to have a managerial operation. The sheriff's department is run like a business — not at all like you see in the movies, or on TV, bumbling, stumbling, imbecilic idiots. Most of the sheriffs I know are highly responsible, most are college graduates, many of them are former FBI agents or have been in the criminal justice field in different areas, and they are professionals in their field. So yes, we do shuffle papers, because that's our job, to take the paper from one basket, make it do something, and send it out.

LEN: How big is your staff?

MORRISSEY: I have about 128 personnel, and that includes all of the areas of responsibility I mentioned.

LEN: What area of responsibility takes up most of your staff's time?

MORRISSEY: I have a 4.9 percent administrative overhead, and the rest of it is operational personnel — jail personnel, patrol personnel, investigative personnel, communications personnel, bailiffs and court officers and personnel for civil processes.

Rediscovering the wheel

LEN: You have been to just about every seminar I've attended here at the National Sheriffs' Association meeting. It would seem you're a man of many interests. Is that so?

MORRISSEY: I believe very firmly in not trying to rediscover the wheel. If I spend a few days in Newark, N.J., looking at their program on the fear of crime, it can either bolster what we're doing, or I can develop other programs with what I've learned. Law enforcement — sherifing — cannot be static. I'll give you an example. A couple of years ago, we had a problem with our investigators, who were not following up on reports as quickly as they could. So my main staff, my chief deputy and my chief investigator and I, got together and agreed

there was a problem, and we started brainstorming, thinking it out. We knew that we couldn't, for example, get additional personnel. What was happening was the patrol officer would take the report and the next morning the chief investigator would go over the report and assign it to the investigators, and then they would go out on the road. Now, they may or may not get to it that day. The patrol officer may say to the person, "The investigator will be by to see you," but the person may wait there all day. So what we did is we took the 20-some-odd investigators we have and made a survey as to when the property crimes were occurring. We came up with the information that they began being reported a little before seven o'clock in the morning and then go to about 9 A.M., then down about 11 o'clock, and then up again at 4 in the afternoon, when people start coming home, and also at about 11 o'clock at night. So we simply took the staff of investigators we had and split them in two, one group working from 7 A.M. to 4 P.M. and the other group coming in at 3 P.M. and working till midnight. That way they were on the scene when the report was made to us, as well as the patrol officer. So last year we had a 58 percent increase in the closing of our cases, because the investigators were able to respond quicker and they closed the cases faster.

So we are constantly changing our department to meet whatever the needs may be. This is why I'm in-

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LEN interview: Sheriff Tom Morrissey

Continued from Page 11
volved in things like the fear-of-crime program.

LEN: Are you planning to institute any of the fear-of-crime concepts in your department?

MORRISSEY: We're doing most of it already. We have the newsletter, and we have a mobile satellite sheriff's office that we take around every week to one part of the county or another to fingerprint young children and also make the sheriff's office available to people on the scene, with the sheriff there. I'm there, I'm helping.

It's a good political thing, but it's also a time when people can say, "Hey, the sheriff's going to be here this afternoon." It helps a lot, because then you can find out from people directly what their problems are, and by having our satellite sheriff's office out there, I set in my mind that I'm in the field from 1 to 6 on Wednesdays.

You have to be conscious that nothing is static. Most sheriffs that I know, and I hope I am one of them, are good managers. But I work constantly to improve, which is why I'm involved in all these things.

Jobs for good ol' boys

LEN: Do you consider yourself a progressive sheriff?

MORRISSEY: Oh, very progressive. When I first came into office in December of 1970, in those days back in the South there were no standards for employment. If a good ol' boy wanted a job, you gave the good ol' boy a job. We set up standards at that time, and when the state finally established standards in 1973 ours still exceeded them. We established a training program; I required that everyone who came to work with me in 1970 had to give up their jobs two weeks prior to being sworn in and go to a training program. It was only 80 hours, but the fact is it was the first scheduled training for sheriffs that we had in that area. We're constantly upgrading. We have a two-year apprentice program for our officers, because we believe that a person doesn't become a professional law enforcement officer in six months' probation time. They go through three phases of development with various types of training either in the classroom or with a training officer. We're the only sheriff's department in North Carolina that is registered with the Department of Labor of North Carolina with an apprentice program. That shows we're meeting all the requirements for a journeyman, if you will. Our officers receive a certificate from the Department of Labor when they finish the apprenticeship. A lot of people don't think certificates are important, but they are important. It gives them a seriousness of purpose. They know they're not just being hired because they're a good ol' boy.

LEN: How does your training program compare to others in the country?

MORRISSEY: I don't know if there are many others like that. I do know the Canadian system has a two-year apprentice program, a two-year probation period. We feel it's important for us to do it that way, too.

LEN: Do you lose many people during the course of the training?

MORRISSEY: No, maybe about 12 percent a year. And most of those are not leaving because they're mad at us, they're leaving because of possibility of higher pay, greater opportunity and so on.

LEN: Are most of your officers local people?

MORRISSEY: I require them to live in Buncombe County at least one year before they work for the sheriff's office, because that's the requirement for the sheriff. Whatever is required for the sheriff is required for the deputies.

LEN: How much cooperation is there between the police department, the sheriff's office and the state police in your area?

MORRISSEY: We don't have state police in our area, we have highway patrol. We have great cooperation, we work very hard at it. Sometimes we step on each other's toes, sometimes we get mad at each other. But even though they may do something that makes me mad, I

try to overlook it because we must cooperate.

LEN: Do the roles of the police and the sheriff's department overlap at all?

MORRISSEY: The police have jurisdiction over the town of Asheville. I don't patrol that area at all, because they have their own personnel. I don't have enough. They don't give you enough to do both jobs. The police department in Asheville has 155 personnel, whereas the sheriff's department, in all the service area, has 128 personnel.

LEN: Some of the sheriffs here have complained of having to travel great distances to get offenders to jail. Do you have that problem?

MORRISSEY: No, we don't. Communications is the most important thing. We have a one-man, one-car concept, where officers are assigned a vehicle with all their equipment, and we have them roving all the time. We drive about 2 million miles a year within our county. But Asheville is centrally located in the county, so we don't have any trouble getting people to jail. Some of the

about the overcrowding of prisons, but we don't talk about doing anything about fear of crime in people.

Talk without action

LEN: How would reducing fear of crime change overcrowding and recidivism?

MORRISSEY: It wouldn't, but you see that's not the problem. The problem is the apprehension of the citizen. Crime is a fluctuating situation — it may be up in one area, it could very well be down in others. I had a 6 percent reduction in crime last year, the year before that a 14 percent increase, and the year before that I had a 24.6 percent reduction in crime. If you reduce the fear of crime, then you won't have people moving out of certain areas, which makes crime flourish. That's why the fear of crime program is so interesting.

But getting back to what Senator Dodd said, I think it's very true that we often spend a lot of time talking about improving law enforcement, but we don't do anything about it. The cuts in the budget hurt the Coast Guard, which is our only sea-based law enforcement branch; now they're cutting the Customs budget. They talk about using military forces in law enforcement, but

'When I first came into office in 1970, there were no standards for employment. If a good ol' boy wanted a job, you gave the good ol' boy a job.'



sheriffs down in the east of the state have a big problem in that respect, because the town is in one corner or the other of the county.

LEN: What did you think of Senator Dodd's proposals in his speech to the NSA general meeting to make drug enforcement, gun control and career criminals priorities for Federal law enforcement efforts?

MORRISSEY: I thought Sen. Dodd's proposals were extremely good. But I find that we're spending more time concerning ourselves with the welfare of the criminals than we are of the citizens as a whole. Sure we cannot put an officer on every corner. But there are ways that we can, for example, reduce the fear of crime in people. I would say that roughly 99.9 percent of the people have no involvement with crime, have never been assaulted, maybe some have never even had a ticket. But they have a fear of crime.

They're threatened by the congregation of people on corners, like in the Newark situation. They're threatened because they feel that they're abandoned, that they're not being cared for. We're setting up a program in my department of volunteers calling victims back up again — a follow-up program. In many cases when a crime occurs, like a larceny or a theft, the property is never found, you never catch the people, so you never go back to the victims and say, "Hey, do you have any additional information, I'd like to bring this case up to date." So they feel abandoned, they feel they've been slighted, that law enforcement really doesn't care about them, that nobody cares about them. All of this fear and abandonment causes more apprehension. This is the problem we have in the United States. We don't have a problem of crime going rampant. But we have a fear of crime. We're spending more time concerning ourselves with alternative for inmates, reducing the time that they serve in prison, we talk always about the recidivism,

we're not doing it. The drug task force is cleaning up Florida while the trafficking is ballooning out in Houston. If they move the task force to Houston it'll balloon out in Florida.

LEN: I take it you're critical of the Reagan Administration's law enforcement policies?

MORRISSEY: I'm critical of doing a lot of talk, but not acting.

Bring back LEAA

LEN: What specifically would you like to see done?

MORRISSEY: Well, I'd like to see an upgrading in our court systems, I'd like to see a reinstatement of the former LEAA program we had, the Law Enforcement Assistance Administration, to have funds go right to the street, to our personnel. There are a few dollars that may be available at the national level, through the U.S. Marshals Office, for renovating the jails, but there's not enough. It's a major problem. People in jail today aren't all criminals, a person who is picked up for driving while impaired is not a criminal, a person who writes a worthless check is not a criminal — the greater population in our jails is non-criminal, they're social problems. But we don't have decent facilities to keep them in. And the older facilities cost more money to operate because you need more personnel. In a new generation jail you can put 48 to 50 people under the supervision of one jailer. I think we should reinstitute programs on the national level concerning the people of the United States. We spend billions in foreign countries, but we just talk about things in the United States.

I like President Reagan's block concept, where the Federal Government provides the monies to the states in a block grant, which increases the grant because they don't have to have administrative processing at the

'Sometimes we generally are penny-wise and pound-foolish. We think things are bad only if they affect us directly.'

bureaucratic Federal level. I'd like to see it go down lower than that, to the county level, so the counties can be responsible for dispersing their monies, not only from the point of view of supervising the dispensing of the money, but also for maintaining their allocation level. Right now I think any county or any bureaucratic government always spends the money they get.

There are no easy solutions to these problems. More money would help, more volunteerism. We're great in North Carolina in volunteering. I have my Explorers involved with the community-watch program, and each night one Explorer goes out with a deputy in the vehicle and checks homes. Since we've been doing that, only one home that we've been watching has been broken into.

LEN: It sounds like your community is very supportive.

MORRISSEY: It is, because we're an open department. I don't feel that the citizens are the enemy, I feel that they have to be treated like human beings — not just because I'm an elected official. We're there primarily to serve. When we teach our basic law enforcement class we always teach about what a public servant is. And that's what we are.

LEN: Do you have a racism problem in your county?

MORRISSEY: No. We have about 9.3 percent minority groups in the county. We did have race problems when I first came into office, because of the integration of the schools, especially at the high school level. But we'll get over those; we've addressed the problems. When we have a problem in the community we go to it. I don't have any race problem in my department. I have females and minorities in all of our different bureaus. But I don't hire a person because they're a minority or female, I hire them because they're capable of doing the job. We have a very strong screening process where all our bureau chiefs are involved in interviewing the person.

Along the drug corridor

LEN: Is North Carolina a route for drug trafficking from Florida to New York?

MORRISSEY: We're a destination, as well as a route. Mexican marijuana also comes from Michigan to us. We have personnel assigned specifically to narcotics activity, and we have other departments that come into play if we need their assistance. We have a problem with drugs just like everybody else does, and I think we always will as long as there is money in it.

LEN: What do you think of Federal efforts against drug trafficking?

MORRISSEY: The Federal Government only comes in when there's a big big operation. As far as working with people on the street, they're not there. We do it ourselves. So the Government's activities don't affect us one way or the other to speak of. We help them, in fact. We find information that we can pass on to them.

LEN: NSA president [Richard] Elrod [of Cook County, Ill.] called upon members to protest pending legislation that would prohibit searches of open fields without search warrants. Do you agree with him on this?

MORRISSEY: I totally agree with him. We have a lot of



Critical of the Reagan Administration? 'I'm critical of doing a lot of talk, but not acting.'

people in all walks of life that are anti-authority, even though they may themselves be authority figures, as in the legislature. Any way they can keep an overview on law enforcement, they do it. I don't think the legislators who are voting for this law are being dishonest; they just feel there should be more control put on law enforcement.

LEN: And you disagree?

MORRISSEY: I think there should be an overview of law enforcement. But I do feel that we are missing the boat when we put more restrictions on the law enforcement person than we do on the criminal. We should be using AWACS planes in drug enforcement, because we have the technology to stop drugs from flooding into this country. But we're not doing that. Sometimes we — and I mean 'we' generally — are penny-wise and pound-foolish. We think things are bad only if they affect us directly. We don't look at the big picture.

LEN: How does that apply to the open-fields law?

MORRISSEY: Well, under that law they would restrict us from going to an open field without a search warrant. So even overflights of that field for identification of what's going on down there would require a search warrant.

LEN: It would slow you down, in other words.

MORRISSEY: It will slow us down, but it won't stop us. The Miranda decision, for example, hasn't stopped law enforcement. What we've become is more professional.

LEN: You don't think this ruling would have the same effect?

MORRISSEY: No, because speed is of the utmost importance in drug enforcement. It's similar to the recent decision of our Supreme Court that there can be searches of vehicles without necessarily having a search warrant, and if the officer makes a mistake and the evidence is found there, the exclusionary rule won't necessarily apply. It's a common-sense situation. That doesn't mean an officer is going to go on the rampage and smash through everything, but rather it's left to the common sense of the court. I feel we find ourselves too procedurally conscious in the courts, rather than right or wrong conscious. If the officer is blatantly wrong, then disciplinary procedures can be taken by the department. But still that evidence should be submitted.

I had a case like that back in 1973 when we received a report from a woman who owned this apartment house that there was drug trafficking going on in the basement of the apartment. Our officers went to the door, it was a Sunday afternoon, knocked on the door, and the door was open. They just walked in and it was like incense, it was thick with the smoke of marijuana. So they rounded everybody up and they found big chunks of marijuana. But they found out later on that the man who actually rented the apartment, who is the legal "king" of that apartment, so to speak, was in Washington, D.C., and the woman didn't have the legal right to let us in. So the evidence we found was not admissible in court. That's what we're talking about. It was obvious, but still we had no right to go in there without permission.

Everybody strip

LEN: What is your policy on strip searches in your jail?

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Morrissey: 'It's easy to blame the judges'

Continued from Page 13

MORRISSEY: We strip-search everybody who comes into our jail. But more than for a criminal reason, we do it for medical reasons. If they're going to go into the general populace (we have a booking and holding facility, so they don't necessarily go into the general populace), we issue clothing to them. So we have a strip search. We find out if they have any injuries: cuts, bruises, anything from a medical point of view that they'd need medical attention for.

LEN: Have you ever found contraband?

MORRISSEY: Oh, yes. We find it in their hair, and various openings of the body. We had a woman one time who had a .25-caliber under her bra strap. They carry knives secreted in their bodies, and so on.

LEN: I bring this up because at a seminar this week on strip searches there was a sentiment on the part of the sheriffs that judges are being insensitive to the security needs of jails when they rule in favor of plaintiffs who sue on the basis of their Fourth Amendment rights being violated in the strip-search procedure. What do you think about that?

MORRISSEY: In a general sense, I don't necessarily agree with that. Each judge has certain things that he is strong on, and some things he's soft on. What we have to do in law enforcement is do our job. Collect the best evidence we possibly can, and submit it to the court, through the district attorney. We can't be judge, jury and jailer, and I don't feel that we should be. I think most of it is that you do have certain judges that have certain resentments, like you have law enforcement people who have certain resentments. It's easy to blame it on the judges.

LEN: The attorneys at the seminar were saying that the judges find the practice of strip-searching repugnant, and don't want it done, and don't understand the need for it.

MORRISSEY: We find it repugnant also, but most people don't realize that when a person is arrested, in any state in the Union, then that person becomes the property of the state. It's been that way since King Henry I in England determined that problems that used to be crimes against the tribe, or crimes against the family, were now going to be crimes against the king. So when a person is arrested they are property of the state until they're liberated by court action or by serving their time. So you must, by virtue of having person in jail, be

responsible for their medical care, because they're your property, and they have no right to make decisions. So we're responsible for their health, their care and their detention. That case they were discussing related to a person who felt that she was excessively treated. There are going to be cases like that. Whether she's right or wrong is immaterial, because there isn't the right or wrong concept here; it's the violation of law or the non-violation of law.

Public repugnance to private jails

LEN: Where do you stand on the issue of private management of jails for profit?

MORRISSEY: In the local area, local jail, I think the citizens would be totally aghast at people making profit off of those who are confined. I'm not talking about the Federal government and its immigration practices — which is an alien world to all of us, if I may use a pun — and is a headless bean because it's part of the bureaucracy of government and no one is responsible. Everyone has someone else who's over them, and when it finally gets up to the President he'll say, "Well I didn't know what was going on down there."

If all these people invest in these private management companies, it means there will be less taxes coming in, and they'll be making a profit on our public facilities. To be able to take half the criminal justice system and say this is going to be privately operated, while all around what leads to people being put in there is going to be public, is not comprehensible. If they can build a facility for us and make a profit off us that's alright, but the operation is the responsibility of the sheriff and the providing of the facility is the responsibility of the commissioners.

We in law enforcement tend to forget sometimes that if we're operating a 1913 antiquated castle, and we are in fact not responsible for that castle, we're responsible for what happens inside it. We take the liability of the castle and put it on our shoulders, and we hide the operation for shame, when in reality we're not responsible for it. The commissioners are responsible for it. And as far as efficiency in operation of jails, I don't know many that are operated in a sloppy way. My cost to the Federal Government for prisoners is \$18 a day. My meals, including personnel and equipment and everything else, cost 58 cents a day. I've had private organizations come in to see if they could provide this service better, and they can't. Even if they could do it cheaper, the fact that they'll be making a profit on those confined is, I think, repugnant to our society.

LEN: Do you think it may come to pass, or do you think

the concept will be rejected?

MORRISSEY: I think it will be rejected, because most jails, if not all jails, are maximum security. Some part of every jail is maximum security. They have not as yet come into a maximum-security facility. There has been private management of hospitals and juvenile facilities, and of alien immigration and what have you, where there is a low security factor. But I don't think anyone could hire persons, train persons, screen persons for employment, better than what law enforcement is doing today.

LEN: Is it in any way analogous to private security guard companies, which seem to be succeeding quite well?

MORRISSEY: Private law enforcement in the United States works because they're not in that high-sensitivity area. We're responsible for a prisoner's life and limb when they're in jail. We're responsible for a person's life and limb on the road because we carry weapons that are the most powerful and violent around. The responsibility of a security guard in a building is to monitor that building. If he sees any problem, he calls law enforcement.

LEN: How does the mandate that you keep juveniles separate from adults work in your jail?

MORRISSEY: We sometimes have juveniles confined in our jail who are so vicious and destructive at the juvenile detention center where they're normally kept that the judge may order them to our jail. The requirement is to keep them separate from the adults, but it doesn't mean they have to be in another facility. We try to keep those from 16 to 18 years of age under the supervision of our matron, rather than under male supervision. We keep them separate from the adult population of the jail. It's not a big financial drain on us, though sometimes the juvenile area will have five inmates where it could hold 13 adults. We haven't had any major problem with it.

But on the reverse of that, we just had two young persons who were involved in the killing of an elderly gentleman, and it hasn't been determined in the courts yet as to which one actually did it, so they're both charged with homicide. One of them was 15½ and the other 17. The older one is in jail but the younger one was ordered to the detention center. In doing that, they had to beef up their personnel at the detention facility because they didn't have enough security to handle it. So it's a come-and-go problem.

The hole truth

A police officer in Lima, Peru, comes to the rescue of 21-year-old Freddy Meza last month, digging him out of a hole in which a mob was attempting to bury him alive. Meza, who was suspected of being a thief, was run down by a crowd of angry residents of Chorrillos, a poor neighborhood in Lima. He was halfway to oblivion when police came to his aid.

Wide World Photo



Criminal Justice Library

We read and review:

Tackling lawsuits against the police head-on

The Police As The Defendant.

By Donald O. Schultz.

Springfield, Ill.: Charles C. Thomas, Publisher, 1984. 160 pp.

By Kenneth Bovasso
Omaha Police Division

Living in litigious society becomes a reality for police officers the first time they are named in a mega-bucks lawsuit. The vast majority of these lawsuits are frivolous and without merit, and only a small

fraction result in any type of settlement, but the anxiety that such lawsuits bring about is all too real. And, of course, these lawsuits make good copy for the local news media. The charges need not be true, just as long as the story is accurate.

There, on page one of the newspaper, one may find the announcement that a city police officer is being sued by a person that he or she arrested. It doesn't matter that the suit will most likely be dismissed in several months with little fanfare (and even less

news coverage); the damage to the officer has been done.

Because of this lawsuit mentality, it is important that every police officer be aware of his legal rights and the rights of others.

"The Police As The Defendant" was written for the purpose of educating police officers and administrators in the area of civil litigation. With 57 pages of narrative and 97 pages of appendices (mostly copies of policy from various police agencies), the book is directed toward the small police department. The small-town

police chief will find the examples of policy dealing with firearms, operation of a police vehicle and use of force extremely helpful in drawing up his own policy. However, most large metropolitan police departments will find little new information, if any.

The emphasis in this book is on minimizing the prospect of any future civil litigation. The author presents a laundry-list of subjects that should be covered in training. Again, all of the subjects would be found in the curriculum of any medium or large police department, but may be missing from the training of police officers in a small town.

It is the author's contention (and a premise that is difficult to argue with) that too many officers unknowingly help the plaintiff's case by preparing incomplete or inadequate reports. He also feels that there is a general lack of knowledge of what will occur during a lawsuit procedure. This book helps to clear up some of these questions.

The book includes some ex-

cellent tips on how a police officer should respond at a deposition. It would benefit most officers to read this chapter, and the chapter on courtroom demeanor, and to heed the author's advice. In fact, this section of the book will benefit officers even if they are not involved in civil litigation. The courtroom actions should be practiced by all officers any time they are in court. The author recommends that an officer involved in civil litigation not appear in court in uniform, as it may have a negative effect on a jury. (I have a suspicion that a uniform worn by an officer in court at any time has a negative effect on a jury.) Attorneys have learned long ago that the best mode of dress in the courtroom is a conservative three-piece suit. Police officers may find that they enhance their credibility by doing the same.

This book is rather brief, yet it will benefit the small-town police administrator as an introduction to minimizing civil litigation. However, it should not serve as the only resource.

Baton techniques: Speaking softly about carrying a big stick

Baton Techniques for Officer Survival.

By Robert J. Downey and Jordan T. Roth.

Springfield, Ill.: Charles C. Thomas, Publisher, 1983.

By James K. Dickerson
San Diego State University

"Baton Techniques For Officer Survival" is a technical training manual designed to provide a methodology for single officers in areas where baton training programs are not available, for officers who practice martial arts control techniques, and for agency training program instructors.

A compilation of training techniques developed by Roth and Downey over numerous years of police service, the book provides a word-and-picture system depicting and explaining basic stances, attitudes and striking methods in baton usage. Based on martial arts, it incorporates drills to foster mental conditioning, regimentation, and practice until

moves become instinctive. Such a system, if properly followed, instills confidence and the knowledge within the officer that he can handle a given situation. Often the mere projection of such an attitude can dissuade those inclined to violence against the officer. Proper use of a baton can prevent a situation from escalating to a point where weapons such as handguns become used.

Violence directed toward police is currently on the upswing in the United States. However, in many situations bare-hand control of a subject or the use of chemical agents proves ineffective, and the use of handguns is looked upon as excessive force by the public. The intent of the manual is to provide a superior baton program that will teach a disciplined approach to baton usage, and one that will carry over in to the field. Through effective training, the baton can become as an extension of the officer's arm and can allow the average officer to handle and to

control even felons trained in the martial arts, as many are today.

Downey and Roth believe that agencies must be aware of and address the legal ramifications of baton usage, and be prepared to uphold their usage in the courts if necessary. Public opinion often forces this necessity where misunderstanding exists. The authors address the legal aspects along with baton techniques, physical fitness, mental health and conditioning, and a system for measuring performance skills, among other issues.

The training manual contains a step-by-step training sequence, with exemplary photographs by Darrell Klasey. These explicitly show proper stance, posture, and impact direction.

The authors stress that the most desirable method of control in arrest is that of dialogue. However, this is not always feasible, either because of a lack of communications skills on the part of the officer, or because of out-

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Six sections in search of a coherent, well-connected book

Correctional Supervisory Management: Principles of Organization, Policy, and Law.

By William G. Archambeault and Betty J. Archambeault.

Englewood Cliffs, N.J.: Prentice-Hall Inc., 1982. 454 pp., \$18.95.

By Thomas G. Eynon
Southern Illinois University

As the book's preface states, this work "is a text which is designed for use in four-year and two-year colleges and universities as well as in-service training programs." There are 14 chapters, 4 appendices, a bibliography and an index. Chapter 1 is a nice introduction to the "supervision theme," and Chapters 5 (motivating and directing), and 11 (communication) are a follow-up

to this brief discussion of management functions.

Chapter 1 presents a perspective on correctional supervisors, outlining their objectives, management functions, and skills. The objectives are: legal and humane control of offenders; reinforcing positive change; protection of life, health, property and personal safety; coordinating with others; motivating subordinates, and promoting cooperation, personal commitment and discipline. The management functions include planning, staffing, communicating, training, delegating, organizing, directing, controlling and evaluating. The skills required are said to be job knowledge, ability to communicate, motive, lead, and make effective decisions. This chapter offers a neat summary of the ap-

plication of management theory to correctional officers. However, instead of adding depth to this summary, the book immediately goes into Chapter 2's profile of correctional employees, which seems unconnected to anything else in this book.

Chapters 3, 4, 6 and 7 are discussions of organization theory and policy-making, which seem tangential to the training of first-line correctional supervisors. This material would seem to be more appropriate for an upper level course in public administration.

Chapters 8, 9 and 10 discuss the development of correctional law, which also may be a bit esoteric for the intended audience of this book. Chapter 12 seems to be a manual for training correctional

Continued on Page 17



Runaways and Non-Runaways in an American Suburb:

An Exploratory Study of Adolescent and Parental Coping

By Albert R. Roberts,
University of New Haven

"Refreshingly concrete and practical"

From the introduction by Albert S. Alissi

Published by The John Jay Press, 444 W. 56th St., New York, NY 10019.

\$3.50 (pb)

Muddying the waters of the Miranda rule

Continued from Page 9

dent made an independent motion to suppress the Intoxilyzer test results on the grounds that the arresting officers had failed to preserve samples of the respondents' breath. While it is technically feasible to preserve the samples, California law enforcement authorities do not normally do so, and in these cases did not. All of the motions to suppress the test results were denied.

After consolidating these cases, the California Court of Appeal, that state's intermediate appellate court, ruled in favor of the respondents, accepting their argument that had the breath samples been preserved, the respondents would have been able to impeach the incriminating Intoxilyzer results. The present appeal to the U.S. Supreme Court followed.

In explaining the unanimous decision of the Court, Justice Marshall explained that the breath sample was in the possession of California law enforcement authorities for the limited purpose "of providing raw data to the Intoxilyzer." Marshall pointed out that it was the test results obtained, and not the breath sample itself, which was the evidence to be presented at the respondents' trials.

Justice Marshall further noted that the California policy of not preserving breath samples was not in any way offensive to the Constitution. The Constitution, he said, requires a state to preserve evidence when the evidence "might be expected to play a significant role in the suspect's defense." In order for the evidence to be constitutionally material, the decision said, the "evidence must both possess an exculpatory value that was apparent before the evidence was destroyed, and also be of such a nature that the defendant would be unable to obtain comparable evidence by any other reasonably available means."

Judging the evidence in this case by that standard, the Court ruled that neither of these conditions had been satisfied. The Court observed that in all of the respondents' cases, there exist ways to challenge the Intoxilyzer test results, including attempts to prove faulty calibration of the machine, extraneous interference with the measurements taken, and operator error.

The decision establishes a nationwide rule that law enforcement officials do not have to preserve the breath samples taken from DWI suspects once those samples have been used to test blood-alcohol concentration. However, the decision did not address the methods or equipment that may be used in conducting an on-site breath analysis. It is left for individual police departments or state agencies to determine which equipment to utilize in DWI enforcement programs.

The decision is very narrow in its scope, and should not be seen by law enforcement officials as a basis for the destruction of other types of physical evidence that

may be obtained by police officers assigned to a traffic enforcement function.

(*California v. Trombetta*, No. 83-305, decision announced June 11, 1984.)

"Public Safety Exception"

In a landmark 5-to-4 decision, the Supreme Court announced a new "public safety exception" to the 1966 Miranda decision and its legal progeny. In announcing the decision, Justice Rehnquist noted that the present case offers "a situation where concern for public safety must be paramount to adherence to the literal language of the prophylactic rules enunciated in *Miranda*."

The case originated at approximately 12:30 A.M. on September 11, 1980, when two police officers on road patrol in Queens, N.Y., were approached by a young woman. The woman told the officers that she had just been raped by a black male about six feet tall, who was wearing a black jacket with the words "Big Ben" printed in yellow on the back. She also told the officers that the man had just entered a nearby A&P supermarket and that he was carrying a gun.

The officers drove the woman to the A&P and one officer went in while the other radioed for assistance. Upon entering the store the officer observed the respondent, who met the woman's description. The respondent, upon observing the officer, ran toward the rear of the store with the officer in pursuit, his gun drawn. The officer lost sight of the respondent for several seconds, but upon spotting him again he ordered the respondent to stop and place his hands over his head.

By this time the officer's partner and two other officers arrived. The respondent was handcuffed and officers put away their service revolvers. Prior to being handcuffed, the respondent was frisked and officer discovered an empty holster but no gun on the respondent's person. Once the suspect was in handcuffs the first officer inquired as to the whereabouts of the gun. The suspect nodded in the direction of some empty cartons and said, "The gun is over there." After the officer retrieved the loaded .38-caliber gun from the pile of cartons, the respondent was formally arrested and read the Miranda warnings. The respondent waived his rights under Miranda and admitted ownership of the gun, and said he had purchased it in Florida.

For reasons not indicated in the court records, the respondent was not charged with rape, but rather was prosecuted under New York Penal Law §265.02(4) on a single count of "criminal possession of a weapon in the third degree." In the course of the prosecution, the trial judge excluded the statement "the gun is over there," along with the actual gun, because the police officer had not given the respondent the required Miranda warnings prior to the admission. The judge also ruled that the statements as to ownership

and source of purchase were not admissible because the admissions were "tainted by the prior Miranda violation." An intermediate New York appellate court affirmed the trial judge's rulings, as did the state's highest court in a divided opinion.

The decisions of the New York courts were reversed by vote of five members of the Supreme Court, who ordered the case remanded for further proceedings. In so doing, Justices Rehnquist, White, Blackmun and Powell and the Chief Justice articulated a new rule involving the application of Miranda.

Writing for the Court's majority, Justice Rehnquist cited the Supreme Court decision in *Michigan v. Tucker*, 417 U.S. 433, 444 (1974), and made the distinction that the Miranda warnings are "not themselves rights protected by the Constitution but are instead measures to insure that the right against compulsory self-incrimination is protected."

The majority opinion then continued that "on these facts there is a 'public safety' exception to the requirement that Miranda warnings be given before a suspect's answers may be admitted into evidence, and that the availability of that exception does not depend upon the motivation of the individual officers involved."

The majority reasoned that the need to find the loaded gun concealed in the supermarket, to prevent its use by an accomplice or to prevent injury to a customer or

employee, far outweighed the respondent's need to receive the Miranda warnings before answering the question about the location of the gun. It was from this line of reasoning that the majority articulated the rule that "the need for answers to questions in a situation posing a threat to the public safety outweighs the need for the prophylactic rule protecting the Fifth Amendment's privilege against self-incrimination."

In carving out this narrow new exception to Miranda, the Court acknowledged that "to some degree we lessen the desirable clarity of the rule." Justice Rehnquist, showing little concern over the fact that the case muddies the Miranda waters, wrote impassively: "The exception will not be difficult for police officers to apply because in each case it will be circumscribed by the exigency which justifies it. We think police officers can and will distinguish almost instinctively between questions necessary to secure their own safety or the safety of the public and questions designed solely to elicit testimonial evidence from a suspect."

Far from joining in the optimism expressed by the majority opinion, Justices Marshall, Brennan and Stevens cautioned that the present decision abandons the clear guidelines spelled out in *Miranda v. Arizona*, "and condemns the American judiciary to a new era of post hoc inquiry into the propriety of custodial interrogations."

While the majority opinion

voices great faith in the ability of the police to act instinctively and correctly, the Court fails to articulate any guidelines for objective court review of police actions, which will undoubtedly occur as members of the criminal defense bar gain familiarity with the new exception to Miranda. It is quite conceivable that in the next few years the present decision will give rise to an increasing backlog in criminal trial courts as numerous challenges are brought against police officers' use of the public safety exception.

Police officers should view this decision with great caution if the fact situation they face is different from the facts in the case outlined above. While the Court articulated the "public safety exception," it did not attempt to determine the situations in which it might be applicable.

Another question left unanswered by the decision is whether other types of concealable weapons, such as knives, grenades or martial arts weapons, would fall within the scope of the exception. Further, no clue is provided as to whether the exception would apply to other public places, like the lobby of a building, a bus or train station, an airport or a public street.

The present decision raises far more questions than it answers, and may yet prove to be a Pandora's box among decisions issued this term.

(*New York v. Quarles*, No. 82-1213, decision announced June 12, 1984.)

Field of 4 set to square off in contest for IACP 6th VP position

Continued from Page 1

would like to see IACP become truer to its name — in other words, more international. In the area of narcotics, particularly, Brown said he feels "IACP should be intimately involved in forging drug enforcement policy."

Most law enforcement officials contacted by Law Enforcement News reacted favorably to Brown's candidacy. He has the backing of the National Organization of Black Law Enforcement Executives (NOBLE), whose members plan to draft a formal resolution supporting his candidacy at the group's annual conference in July.

Henry Lesansky, a spokesman for NOBLE, said Brown's candidacy had been "an unfolding thing for some time," which had been discussed several times in the past. The time seemed ripe this year, Lesansky said, because of a "much improved relationship" between IACP and NOBLE. "Lee Brown was the person most prominently mentioned within NOBLE and within IACP," Lesansky said.

Brown has also been endorsed by the major city chiefs group within IACP, the Police Ex-

ecutive Research Forum, the Colorado and Oregon police chiefs associations, and the Texas Police Chiefs Association.

Chief Charles Phelps of Bryan, Texas, president of the Texas association, said his group chose to endorse Brown because of his diverse law enforcement background and his contacts across the country. "He's not just tied to the state of Texas," Phelps said. "He is well-known throughout the police world, and he's respected as a professional police officer. We feel he'd do an excellent job."

Brown began his law enforcement career as a patrolman with the San Jose Police Department in California. In 1975 he became the first black sheriff of Multnomah County, Oregon, and later served as the director of that county's Department of Criminal Justice Services. In 1978 he became public safety commissioner in Atlanta, and in 1982 was drafted to head the Houston Police Department.

He also has an extensive academic background. He was director of the administration of justice program at Portland (Ore.) State University from 1968 to 1972, and has also taught at

Howard University in Washington, D.C. He holds a master's degree and a doctorate in criminology from the University of California at Berkeley, as well as a master's degree in sociology from California State University at San Jose.

Lesansky said he believes Brown has a good chance of winning the election, which will be held in October in Salt Lake City, at the annual meeting of IACP. Though other black candidates in the past have unsuccessfully vied for IACP office, Lesansky said it may be different with Brown. "It has a lot to do with Brown's qualifications and the view of him within IACP," he said.

Among other candidates who will be on the ballot in October is Chief Larry Vardell of Williamsburg, Va., who is seeking to oust incumbent Chief John Norton in the race for first vice president. Three candidates will campaign for the position of IACP treasurer, to replace Chief Thomas C. Durrett, whose term is expiring. They are: Chiefs Dix Fetzner of Bridgewater Township, N.J.; William Quinn of Newton, Mass. (a former IACP president), and Russell Dwyer of Middletown, Ohio.

Prison for profit

Continued from Page 9

slowdown in the growth of prison populations. The Bureau of Justice Statistics reports that the population of Federal and state prisons rose by 5.9 percent last year — less than half the percentage increase in 1982. Part of the reason for the reduced growth was, no doubt, the slight drop in the crime rate last year; another was the adoption of early-release plans for prisoners in several states to relieve prison overcrowding.

But, BJS said, prisons housed a record 439,000 persons, and were, on the average, at 110 percent of capacity at the end of 1983. With that kind of pressure on prisons, it seems likely that both Federal and state correctional officials will continue to eye the possibility of turning to the private sector for relief.

(Ordiway P. Burden welcomes correspondence to his office at 651 Colonial Blvd., Westwood P.O., Washington Twp., NJ 07675.)

Six discrete parts in need of a book

Continued from Page 15

supervisors and as such, is a convenient compendium for training academy personnel. Chapter 13 is a "stand-alone" manual on routine custody procedures for line correctional officers, while Chapter 14 tackles emergency custodial problems such as riots, hostages, fires and escapes. The appendices provide examples of personnel and training documents from various correctional agencies in Florida.

A lack of connection between the chapters reflects the authors' attempt to reach three different kinds of readers: correctional officers, college students and correctional administrators. This effort has produced a text of six discrete parts which lack coherence and integration, in addition to a lack of depth in any one area. The interrelated parts might be labeled as "training manuals within the book": supervisions; survey of corrections personnel; organization theory; correctional law; how to be a correctional trainer, and introduction to custodial procedures.

There are other minor criticisms one could make of the

writing style, such as word usage. For example, one finds: "Immuned until recently, juvenile correctional workers are going to be jolted by the array of changes which will occur if the standards for juvenile justice that were approved by the American Bar Association in March 1979 are enacted into law." I am hoping to survive the immunizing, jolting, approving and enacting found in this sentence. It is not as easy to forgive the mistaken notion that "In other traditional types of organizations line workers are not supervisors" (page 5). There are other human service "line workers" who do "supervise," including teachers, police, social case workers, physicians and coaches, to mention just a few. Consequently, I am inclined to doubt the statement: "Hence, the extent of both legal and ethical responsibility is greater for the correctional supervisor than it is for supervisors in other types of organizations" (page 6). There is a difference, but it is not legal, or ethical. Rather it is the degree to which coercion is tolerated by administrators, the "clients" and the society.

Baton twirling:

Carrying a big stick

Continued from Page 15

side influences. The program stresses the necessity for positive thinking, pre-planning possible moves in a given situation, self-confidence, and imagery to properly prepare the officer mentally. One should think of success only, as this develops intensity of commitment.

Guns are viewed today as offensive by the general public, and the consequence of their use under present restrictions can place an officer in a defensive position, or even lead to court trials. The baton is effective while at the same time not offensive to the public. The use of a baton by

police is based on many years of tradition, and it is not as final as a bullet.

A major complaint about baton training programs has been that they do not provide for performance evaluation of officers. To best be utilized, training must be regular and frequent, as are pistol practices and qualifications. Also, a minimal degree of proficiency must be maintained to prevent charges of unnecessary force in civil liability proceedings.

Above all, a good baton training program will help to keep the officer alive in instances when a handgun would not be appropriate.

Sheriffs say 'no' to yielding control over jail operations

Continued from Page 8

management and operation of the jail should remain the province of public officials, they maintained.

Sheriff Thomas Morrissey of Buncombe County, N.C., raised a host of questions to which there appear, he said, to be no answers. "Who will enforce the standards? Will the sheriff be responsible for liability in a jail he doesn't run? How will jail personnel be trained and how will the training be monitored? Who will maintain security if the private guards go on strike? What happens if the private company goes out of business? Is it safe for a private company to run a maximum security jail?"

No one present volunteered any answers for him.

INS Assistant Commissioner Hugh J. Brien explained to the sheriffs how the INS private contracting system works, noting that the private contracting is cheaper and more practical for the function of detaining illegal aliens. He conceded, however, that such private management might not be appropriate for anything but minimum security

detention. [For more on the INS system, see Burden's Beat, page 9.]

Sheriff Richard Rainey of Contra Costa County, Ca., was eloquent in his protest of what he called the "privatizing" of jails. "We are the experts," he said. "We should be operating the jails. I think the competition with the private sector is good, but they won't beat us." Rainey said he thought the competition would encourage jail managers to eliminate waste and inefficiencies from their operations.

Rainey raised the question of where the ultimate responsibility for the jail would lie, saying, "If I am going to be liable, I want to be managing that jail."

He also said that while sheriffs are always conscious of the need to get prisoners out of custody quickly, because of budget limitations and overcrowding, the private sector would have no incentive to process offenders quickly. "The more people in jail, the bigger the profit for them," he said.

"I'm in the jail business to stay, and I'm convinced that I can beat

the costs and services of any private agency around," he said to a round of applause.

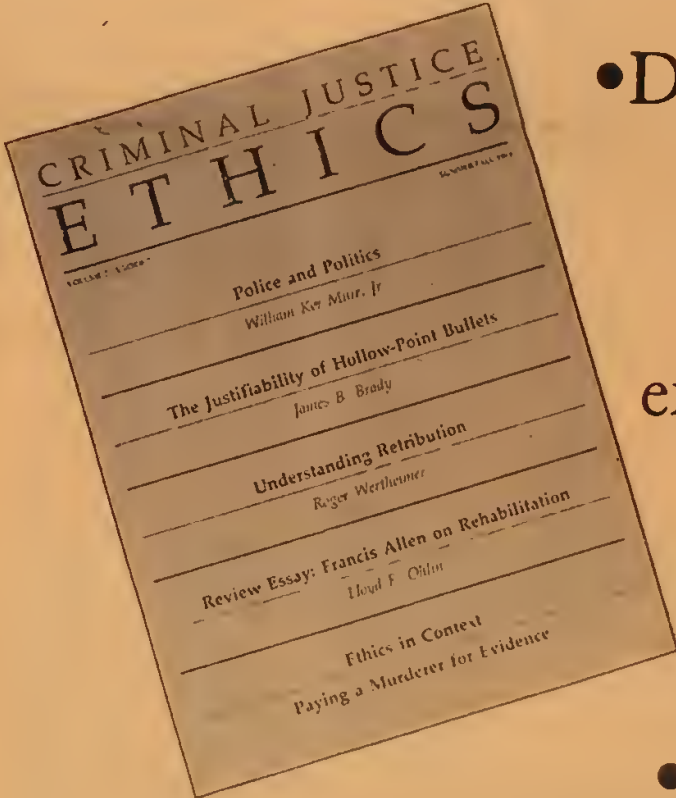
At the final meeting of the NSA conference, a resolution was unanimously adopted expressing the sheriffs' "disapproval and opposition to the operation and management of jails by private profit-making organizations."

What's it really all about, anyway?

Information Services, a Fairfax, Va., firm, is sponsoring an essay contest in conjunction with publication of its "Law Enforcement Career Handbook," with \$100 going to the winner.

The contest, based on the theme "What It's Really Like to Be a Police Officer," is open to all police officers. The winning entry will be published in the forthcoming handbook, which tells how to find a job in policing, as well as the duties of various jobs.

The deadline for entries is September 1, 1984. To obtain contest criteria and guidelines, write: Information Services, 10218-13 Shiloh Street, Fairfax, VA 22030.



- Deadly force
- Plea bargaining
- The exclusionary rule
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For more information contact:
 The Institute for Criminal Justice Ethics,
 John Jay College of Criminal Justice, 444 W. 56th St., New York, NY 10019.
 (212) 247-1600

Federal Protective Officers. The General Services Administration has career service positions available for Federal Protective Officers.

Applicants will start at a GS-4 grade, with promotion potential to GS-5 within one year (\$12,367 to \$13,837 per year). Two years of general work experience or an educational equivalent is required.

A written exam will be given on the first Monday of each month at the Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. For further information, contact the GSA at (202) 472-1390.

Director of Safety. The City of Fort Wayne, Ind., population 180,000, seeks a person to administer a \$16-million budget and direct 700 employees in police, fire, emergency medical, communications and animal control departments. The director is one of six key members of the city management team, and has full responsibility for planning, budget and operation of the safety departments.

Salary for the position is \$34,600, plus automobile.

Send resume to: Mayor Win Moses Jr., 1 Main Street, Room 900, Fort Wayne, IN 46802.

Campus Police Officers. Georgetown University, in Washington, D.C., is seeking officers for its protective services department.

Applicants must be at least 21 years of age, a U.S. citizen and a high school graduate. Training and experience minimum requires at least three years of general business, at least one year of which have been in law enforcement or a related field. Applicants must be capable of obtaining a District of Columbia Special Police Commission and have a valid driver's license.

Beginning salary is \$15,496,

with overtime available and night differential extra. Educational benefits for self and dependents available. Excellent benefits and pension plan are provided, along with uniforms and equipment.

Send all inquiries to: Georgetown University Protective Services, 37th and O Streets, N.W., Washington, DC 20057.

State Traffic Officer (Female). The California Highway Patrol is accepting applications on a continuous basis for female officers.

Applicants must be 20 to 31 years of age (21 by date of appointment), with high school diploma or equivalent (GED or 12 semester units of college). Applicants must possess a valid California driver's license by date of appointment, have vision no less than 20/40 uncorrected, correctable to 20/20 in each eye, along with full color vision and no deficiencies. Height and weight must be proportionate, with height not more than 6 feet 6 inches. In addition, applicants must be U.S. citizens and have no felony convictions.

Selection process will include a written exam, oral interview, physical performance test, medical exam (CHP-paid), and a comprehensive background investigation. Successful applicants are assigned to a comprehensive 20-to-21 week training program at the California Highway Patrol Academy in Sacramento.

Salary is \$1,872 per month during training, and \$1,930 to \$2,338 per month after academy graduation. Benefits include yearly uniform allowance, two weeks vacation per year, 11 paid holidays per year, 12 annual sick days, time and a half for overtime after eight hours, retirement at age 50 with 20 years of service, and health, life and dental insurance.

For further information, contact: Sandy Schneider or Walt

Choy, Recruitment Coordinators, California Highway Patrol, Golden Gate Division, 455 8th Street, San Francisco, CA 94103. Telephone: (415) 557-0640.

Public Safety Communications Division Commander. The City of Largo, Fla., is seeking an experienced public safety professional to head its public safety communications division. The division is commanded by a police captain and is responsible for all facets of police, fire and emergency medical service communications within the City of Largo and surrounding jurisdictions using the city's communications services.

The individual chosen will be responsible for effectively supervising 25 subordinate employees, and must possess a bachelor's degree in law enforcement, business administration or a related degree supplemented with advanced technical law enforcement and management training. Candidates must possess or be able to obtain a valid State of Florida Certificate of Comparative Compliance for police officers, and must have a minimum of seven years experience in law enforcement with at least three years progressively responsible supervisory/management experience. A background in emergency communications with computer-aided dispatch system is highly desirable. The position is subject to future rotation between the Operations and Support Services Divisions as part of a career-development program.

The position offers a competitive salary with executive benefit program, including I.C.M.A. deferred compensation, health, life and accident insurance. Also provided are state-supplemented education and salary incentive program (police only) and an excellent retirement system, along with uniforms, clothing and cleaning. Florida has

no state income tax.

Submit detailed resume to: Chief of Police, Largo Police Department, P.O. Box 296, Largo, FL 33540. Application deadline is August 1, 1984.

Administrative Services Director. The Largo, Fla., Police Department is seeking a civilian director for its administrative services section. The section is responsible for the preparation and control of a \$5-million line-item budget, payroll, purchasing, central supply, fleet management for a 50-vehicle fleet, facilities and equipment maintenance and special administrative projects.

The director supervises six subordinate personnel, and should have a bachelor's degree in business or public administration, finance or a related field. A master's degree is preferred. Candidates should have at least three years experience in progressively responsible supervisory/administrative work or an equivalent combination of training and experience.

The position offers a competitive salary with executive benefit program, including I.C.M.A. deferred compensation, health, life and accident insurance, a state-supplemented education and salary incentive program (police only) and an excellent retirement system. Florida has no state income tax.

Submit detailed resume to: Chief of Police, Largo Police Department, P.O. Box 296, Largo, FL 33540. Application deadline is August 1, 1984.

Criminal Justice Faculty. York College of Pennsylvania has a faculty (instructor) position vacancy in the criminal justice section of the Behavioral Sciences Department, beginning fall 1984.

Requirements include at least a master's degree in criminal justice or a related field. General practical experience in criminal justice is desirable. This is a tenure-track, contractual nine-month position, with the opportunity of summer employment. Salary is negotiable.

To apply, send vita and a letter of application to: Martin S. Devers, Criminal Justice Coordinator, York College of Pennsylvania, Country Club Road, York, PA 17405. Closing date for applications is July 15, 1984.

Police Officers. The Metro-Dade Police Department in Miami, Fla., is seeking 250 new officers. Qualifications include age 19 or over with high school diploma or GED, weight proportionate to height, vision 20/100 correctable to 20/30, and possess a valid driver's license. Applicant must be in good health and must pass a written test, physical examination, psychological and background investigation.

Salary range is \$18,314 to \$23,600, plus educational incentive money. Department provides uniform, equipment and health and life insurance. Retirement paid by department.

For further details, write:

Metro-Dade Police Department, Recruitment Section, 1390 N.W. 14th Avenue, Miami, FL 33125.

President The Police Foundation

The Police Foundation, a non-profit, research and educational organization based in Washington, D.C., is seeking a president who will take office no later than May 1985.

The Police Foundation, created in 1970 with a grant from the Ford Foundation, designs and carries out research and experiments to find and implement ways of improving the quality of police services. It disseminates information and organizes conferences and training programs among officials of law enforcement and related occupations. The Foundation currently draws its support from a variety of foundations and government agencies. It has issued over thirty major studies based on work done in more than a dozen large cities.

The president is the chief executive officer of the organization, responsible for administering a budget of over \$2 million per year, supervising both a permanent staff and a large number of consultants, who develop research proposals, negotiate grants and contracts with a variety of public and private agencies, and raise funds from corporate donors. The president addresses through speeches and writings issues facing law enforcement here and abroad and oversees the publication and dissemination of research findings.

Candidates should be able to take a leading role in conceiving and directing major research programs and innovative social experiments in collaboration with police departments, civic groups, and government agencies; have proven administrative and managerial abilities; and have the standing necessary to address effectively both the police and research communities.

Salary will be in the range of \$80,000 per year, depending on qualifications, with ample fringe benefits. Inquiries and applications may be made in confidence to the chairman of the board of directors of the Foundation, Professor James O. Wilson, at the Littauer Center, Harvard University, Cambridge, MA 02138.

Fingerprint ID Technician (Charlotte, N.C.)

\$15,952 - \$20,360*

The Charlotte, N.C., Police Department is seeking four fingerprint identification technicians with minimum two years experience using Henry Standard Classification System. Applicants must be high school graduates capable of demonstrating their fingerprint identification and classification skills.

Send resume to:
Tricia Macomber

City of Charlotte Personnel Dept.
600 East Trade Street
Charlotte, NC 28202

EOE/MFH

* These figures include a 5% increase pending City Council approval.

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USA

30-32 Mortimer Street
Dept. PR
London W1N 7RA
England

Upcoming Events

AUGUST

15-16. Microcomputer Workshop for the Police Manager. Presented by the Institute of Police Traffic Management. Fee: \$150.

Operational Intelligence. Presented by Richard W. Kobetz & Associates. To be held in Chicago. Fee: \$350.

15-17. Sex Crimes Investigation. Conducted by University of Delaware.

15-17. Cause and Origin of Fires, Arson & Explosions. Presented by the National Association of Fire Investigators. To be held in Chicago, Ill. Fee: \$150.

15-19. Analytical Investigation Methods. Presented by ANACAPA Sciences, Inc. Sponsored by the Georgia Police Academy. To be held in Atlanta, Ga. Fee: \$395.

15-19. Crime Prevention/Loss Prevention in the Corporate Environment. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky.

15-18. Legal Problems and the Changing Family: A Program for Educators and Educational Counselors. Presented by the Continuing Education Service of The Pennsylvania State University. To be held at Pennsylvania State University. Fee: \$215. For further course information contact Jack H. Williams at (814) 863-0210. For registration information contact Chuck Herd at (814) 863-3551.

17-18. Microcomputer Workshop for the Police Manager. Presented by the Institute of Police Traffic Management. Fee: \$150.

18. PSA-3 Day. Sponsored by Police Service Area No. 3 of the New York City Housing Police. For further information contact Bill Liell at 875-5733.

20-22. Pressure Point Control Course. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$175.

20-22. Terrorism in the 1980's. Presented by Richard W. Kobetz & Associates. To be held in Montreal. Fee: \$350.

20-24. Level I Shotgun. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$450.

20-24. Breathalyzer Maintenance. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$425.

21-24. Financial Investigative Techniques (Narcotics Cases). Presented by the Criminal Justice Center Police Academy at Sam Houston State University. Fee: \$120.

22-24. Police Fleet Management. Presented by the International Association of Chiefs of Police. Tuition: \$375 members, \$425 non-members.

22-26. Officer Survival. Presented by the Georgia Police Academy.

22-26. Collective Bargaining for Law Enforcement Agencies. Presented by International Association of Chiefs of Police. Tuition: \$425 members, \$475 non-members.

26-31. Auto Theft Training Seminar. Sponsored by the International Association of Auto Theft Investigators. To be held in Reno, NV. Fee: \$70.

27-29. Public Information Officer: A Practical Approach. Presented by Southwestern Law Enforcement Institute. Fee: \$250.

27-31. Level II Shotgun Instructor. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$450.

29-September 2. Special Weapons and Tactics (SWAT). Presented by the Georgia Police Academy.

29-September 23. Advanced Traffic Management. Presented by the Georgia Police Academy.

30-31. Street Survival. Presented by Calibre Press. To be held in San Diego, Calif. Fee: \$60.

SEPTEMBER

4-October 12. Delinquency Control. Presented by the Delinquency Control Institute.

5-6. Hostage & Kidnapping. Presented by Richard W. Kobetz & Associates. To be held in Winchester, Va. Fee: \$350.

5-7. Officer Survival. Sponsored by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$350.

6-7. Street Survival. Sponsored by Calibre Press, Inc. To be held in Hartford, Conn. Fee: \$65.

10-11. Street Survival. Presented by Calibre

Press, Inc. To be held in Warrensville Heights, Ohio. Fee: \$65.

10-11. Security Stress. Presented by Richard W. Kobetz & Associates. To be held in Las Vegas, Nev. Fee: \$350.

10-12. Computer Security — The Global Challenge. Sponsored by the International Computer Security Congress. To be held in Toronto, Canada.

10-14. Level I Revolver Course. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$375.

10-14. VIP Protective Operations. Presented by Police International Ltd. To be held in California. Fee: \$645.

10-21. At-Scene Accident Investigation. Presented by The Traffic Institute. Fee: \$550.

10-October 19. Polygraphist Training Program. Sponsored by The National Training Center of Polygraph Science.

12-13. Terrorism in the 1980's. Presented by Richard W. Kobetz & Associates. To be held in Las Vegas, Nev. Fee: \$350.

12-14. Firearms Instructor Update. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$100.

14-15. Street Survival. Sponsored by Calibre Press, Inc. To be held in Minneapolis, Minn. Fee: \$65.

17-18. Security Seminar. Sponsored by the International Association for Hospital Security. To be held at the Golden Nugget Hotel-Casino in Atlantic City, N.J.

17-19. Computer Security for Security Professionals. Presented by MIS Training Institute. To be held in Atlanta, Ga. Fee: \$650.

17-21. Crime Scene Technology. Presented by Sirchie Finger Print Laboratories. Fee: \$300.

17-21. Level II Revolver Course. Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$450.

19-21. Law Enforcement Tools. Sponsored by the Criminal Justice Center Police Academy, Sam Houston State University.

19-21. Computer Crime. Presented by the International Association of Computer

Crime Investigators. To be held in New York. Fee: \$425.

20-21. Evaluating & Selecting Security Software. Presented by MIS Training Institute. To be held in Atlanta, Ga. Fee: \$450.

23-25. Child Passenger Safety Conference. Sponsored by the California Child Passenger Safety Association and Valley Children's Hospital. To be held in Monterey, Calif.

24-25. Managing the Unsatisfactory Employee in Law Enforcement. Presented by The Traffic Institute. Fee: \$220.

24-25. The Police Executive and Futurism. Sponsored by the Southwestern Law Enforcement Institute. Fee: \$125.

24-27. Chemical Agents. Sponsored by Smith & Wesson Academy. To be held in Springfield, Mass. Fee: \$350.

24-28. VIP Protective Operations. Sponsored by the Police International Ltd. To be held in Washington, D.C. Fee: \$645.

24-28. Firearms Instructor Course. Presented by Smith & Wesson Inc. To be held in Springfield, Mass. Fee: \$450.

24-October 5. Technical Accident Investigation. Sponsored by The Traffic Institute. Fee: \$500.

25-27. Legal Liability of Police Administrators. Presented by The Traffic Institute. Fee: \$330.

26-27. Street Survival. Presented by Calibre Press Inc. To be held in Modesto, Calif. Fee: \$65.

26-28. The Public Information Officer: A Practical Approach. Presented by the Southwestern Law Enforcement Institute. Fee: \$250.

26-28. Computer Crime. Sponsored by the International Association of Computer Crime Investigators. To be held in Washington, D.C. Fee: \$425.

26-28. Police Performance Evaluation and Appraisal Workshop. Presented by The Traffic Institute. Fee: \$330.

30-October 4. Police Firearms Instructors Conference. Sponsored by the International Association of Law Enforcement Firearms Instructors. To be held in Nashville, Tenn.

30-October 6. The Academy of Security Educators Certified Security Trainer Program. Presented by Richard W. Kobetz & Associates. To be held in Winchester, Va. Fee: \$1400.

OCTOBER

1-5. Basic Hostage Negotiation Workshop. Presented by The Traffic Institute. Fee: \$385.

2-3. Street Survival Seminar. Presented by Calibre Press. To be held in San Antonio, Tex. Fee: \$65.

7-10. 10th Annual North American Victim Assistance Conference. Presented by The National Organization for Victim Assistance. To be held in Des Moines, Iowa.

8-12. Police Traffic Radar Instructor Training. Presented by The Traffic Institute. Fee: \$385.

8-12. Vehicle Dynamics. Sponsored by The Traffic Institute. Fee: \$250.

12. First Annual Justice, Safety and Loss Prevention Conference. Presented by the Eastern Kentucky University. To be held in Richmond, Ky.

15-16. Inadequate Protection: The Legal Responsibility of the Security Executive. Presented by Richard W. Kobetz & Associates. To be held in Chicago. Fee: \$495.

15-19. Crime Scene Technology. Presented by Sirchie Finger Print Laboratories. Fee: \$300.

15-19. Field Training Officers Program. Presented by The Traffic Institute. Fee: \$330.

15-26. Traffic Accident Reconstruction. Presented by The Traffic Institute. Fee: \$650.

15-26. Criminal Intelligence Analysis. Sponsored by ANACAPA Sciences Inc. Co-sponsored by the Texas Department of Public Safety. To be held in Austin, Tex.

15-26. Supervision of Police Personnel.

Presented by The Traffic Institute. Fee: \$550.

15-Nov. 9. School of Police Supervision. Presented by the Southwestern Law Enforcement Institute. Fee: \$550.

17-18. Aircraft Security. Presented by Richard W. Kobetz & Associates. To be held in Chicago. Fee: \$350.

21-25. 17th Annual Crime School. Sponsored by the Narcotic Enforcement Officers Association. To be held in Springfield, Mass.

22-24. Retail Security Seminar. Sponsored by Sam Houston State University. Fee: \$250.

22-25. Latent Finger Prints. Sponsored by Sirchie Finger Print Laboratories. Fee: \$395.

22-26. Police Budget Preparation. Sponsored by The Traffic Institute. Fee: \$400.

22-Nov. 2. Police Executive Development Institute (PDLEX). Sponsored by The Pennsylvania State University. To be held at the J. Drvia Keller Conference Center on the University Park Campus of The Pennsylvania State University. Fee: \$695.

23-24. Street Survival Seminar. Sponsored by Calibre Press. To be held in Louisville, Ky. Fee: \$65.

26-27. Street Survival Seminar. Presented by Calibre Press. To be held in Montgomery, Ala. Fee: \$65.

28-November 3. Providing Protective Services. Presented by Richard W. Kobetz & Associates. To be held in Winchester, Va. Fee: \$1975.

29-November 2. DWI Enforcement/Instructor Training. Sponsored by The Traffic Institute. Fee: \$330.

30-31. First Annual Corrections Symposium. Sponsored by the Federal Correctional Institution-Lexington. To be held in Lexington, Ky. Individuals wishing to present papers at the symposium should submit manuscripts prior to September 10, 1984.

Call for Awards Nominations

The Section on Criminal Justice Administration of the American Society of Public Administration is seeking nominations for its annual awards to persons who have made outstanding national contributions to the improvement of criminal justice administration.

Forms and instructions for submitting nominations can be obtained from: Louis A. Mayo, Chairman, ASPA/SCJA Awards Committee, P.O. Box 4281, Jefferson Manor Station, Alexandria, VA 22303. Deadline for receipt of completed nomination is September 30, 1984.



Come to the Explorer Conference!

The 1984 Law Enforcement Explorer Conference will be part of the National Exploring Conference to be held August 6-11 at Ohio State University.

- Role playing competitions!
- Demonstrations!
- Seminars!
- Exhibits!
- Leadership training!
- Pistol Shooting competition!

All Law Enforcement Explorers are invited to attend.

For more information contact:

Exploring Division
Boy Scouts of America
1325 Walnut Hill Lane
Irving, TX 75062-1296

Directory of Training Sources

Academy of Security Educators and Trainers, Inc. ASET Suite, Executive Office Building, 825 E. Baltimore St., Baltimore, MD 21202.

ANACAPA Sciences Inc., Law Enforcement Programs, Drawer Q, Santa Barbara, CA 93102

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062

California Child Passenger Safety Association, 3320 Kemper St., Suite 102, San Diego, CA 92110. Tel.: (800) CAR-SEAT.

Delinquency Control Institute, University of Southern California, 3601 South Flower Street, Los Angeles, CA 90007. Tel.: (213) 743-2497.

Eastern Kentucky University, Conference info. — 467 Stratton Building, Richmond, KY 40475. Tel.: (606) 622-3565.

Federal Correctional Institution, Special Programs, FCK/EKU, Perkins Building, Richmond, KY 40475. Tel.: (606) 255-1158 or (606) 255-6812.

Georgia Police Academy, 959 E. Confederate Ave., P.O. Box 1456, Atlanta, GA 30371. Tel.: (404) 656-6105.

Institute of Police Traffic Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216

International Association of Auto Theft Investigators, 12416 Feldon Street, Wheaton, MD 20906. Tel.: (301) 946-4114.

International Association of Chiefs of Police, 13 Firstfield Road, Gaithersburg, MD 20878. Tel.: (301)

948-0922.

International Association of Computer Crime Investigators, 100 Gough Street, Suite 8F, San Francisco, CA 94109. Tel.: (415) 342-3138.

International Association for Hospital Security, P.D. Box 637, Lombard, IL 60148. Tel.: (312) 953-0990.

International Association of Law Enforcement Firearms Instructors, P.O. Box 598, Brookline Village, MA 02147-0598. Tel.: (617) 734-0200.

International Computer Security Congress 1984 Inc., 160 Duncan Mill Road, Don Mills, Ontario, Canada M3B 1Z5. Tel.: (416) 447-1821.

MIS Training Institute, 4 Brewster Road, Framingham, MA 01701. Tel.: (617) 879-7999.

Narcotic Enforcement Officers Association, P.O. Box 999, Darien, CT 06820. Tel.: (203) 655-2906.

National Association of Fire Investigators, 53 West Jackson Boulevard, Chicago, Ill. 60604. Telephone: (312) 939-6050.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Organization for Victim Assistance, 1757 Park Rd., N.W., Washington, DC 20010. Tel.: (202) 232-8560.

National Training Center, Richard O. Arthur, 200 West 57th Street, New York, NY 10019. Tel.: (212) 755-5241.

New York City Housing Authority, 3rd

Police Service Area, Brooklyn North, 4 Auburn Place, Brooklyn, NY 11205. Tel.: (212) 875-5733.

Pennsylvania State University, S-159 Human Development Bldg., University Park, PA 16802

Police Executive Development Institute (POLEX), The Pennsylvania State University, S159 Human Development Building, University Park, PA 16802. Tel.: (814) 863-0262.

Police International Ltd., 7297-D Lee Highway, Falls Church, VA 22042. (703) 237-0135.

Richard W. Kobetz and Associates, North Mountain Pines, Route Two, Box 342, Winchester, VA 22601. Tel.: (703) 662-7288

Sam Houston State University, Criminal Justice Center Police Academy, Box 2296, Huntsville, TX 77341.

Sirchie Finger Print Laboratories, Criminalistics Training Center, 114 Triangle Drive, P.D. Box 30576, Raleigh, NC 27622.

Smith & Wesson Academy, 2100 Roosevelt Avenue, Springfield, MA 01101. Telephone: (413) 781-8300.

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. Tel.: (214) 690-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204

University of Delaware, 2800 Pennsylvania Avenue, Wilmington, DE 19806. Tel.: (302) 738-8155

Law Enforcement News

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New York, NY 10019

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The head sheriff rides into town

President Reagan tells the NSA what's on his mind. On 1.

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